

City Council Chamber, City Hall, Tuesday, February 28, 2006

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, February 28, 2006, Mayor Bill White presiding and with Council Members Toni Lawrence, Jarvis Johnson, Anne Clutterbuck, Ada Edwards, Addie Wiseman, M. J. Khan, P. E., Pam Holm, Adrian Garcia, Carol Alvarado, Peter Brown, Sue Lovell, Shelley Sekula-Gibbs, M.D., Ronald C. Green and Michael Berry; Mr. Harlan Heilman, Division Chief, Claims & Subrogation Division, Legal Department; Mr. Richard Cantu, Director Citizens Assistance Office; Ms. Marty Stein, Agenda Director; present.

At 2:11 p.m. Mayor White called the meeting to order and called on Council Member Holm who invited Dr. Tom Pace, senior minister with Christ United Methodist Church in Sugarland to lead all in prayer and Council Member Holm led all in the pledge. Council Member Berry absent.

At 2:14 p.m. the City Secretary called the roll. Council Member Berry absent.

Council Members Khan and Garcia moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Council Member Berry absent. MOTION ADOPTED.

At 2:15 p.m. Mayor White called on Council Member Garcia to begin presentations. Council Member Garcia presented the Mayor and Council Members with a booklet on the Independence Heights neighborhood and invited those present relative to his presentation to the podium. Council Member Garcia further stated that this was the close of Black History Month and there was a diamond in his district, Independence Heights, it was Texas first incorporated slave city and there was a lot of rich history there; and introduced Mr. Charles Bolton who gave the boundaries and history of the area including that they were the oldest Black township in the state of Texas established in 1905 and celebrating their 100 years of existence; and stated that they were wanting to place a marker on North Main at 610 and the books presented were a part of their fundraiser and they would appreciate any donations. Council Member Garcia introduced Ms. Raynetta Glen who stated that it was a pleasure working with Mr. Bolton and the ladies who referred to being the Golden Girls, a group who made sure the community was safe and a fantastic place to live. Council Members Wiseman, Holm, and Berry absent.

Council Member Edwards congratulated the Independence Heights group on reclaiming their history and stated that she would like to speak with them further on how to reclaim and capture as much history of Black communities as they could. Council Members Wiseman and Berry absent.

Council Member Brown stated that he had a first hand walking tour of Independence Heights and it was wonderful; that he supported their preservation efforts and they could call on him. Council Members Wiseman and Berry absent.

Council Member Johnson stated that Independence Heights was a prize and the booklet presented meant a lot; that Ms. Glen was also a dynamic dynamo and with her knowledge and spirit they were in good hands. Council Members Wiseman and Berry absent.

At 2:25 p.m. the City Secretary began calling the public speakers. Council Members Wiseman and Berry absent.

Ms. Lesly Van Dame, 2902 Briarhurst, Houston, Texas 77057 (713-729-2263) appeared and stated that she was present making a plea for Memorial Park which was a great asset in the City of Houston and was calling on city management to keep it as it should be a quiet and beautiful place. Council Members Wiseman, Alvarado and Berry absent.

Council Member Holm stated that no Council Member would doubt Memorial Park was one of the city's finest assets and she did appreciate everyone coming down today, but she questioned why no one had contacted her as Council Member of District G and chairman of the Quality of Life Committee; that this was not a time of discussion and she did not know how they got to this point without asking for facilitation or help; and Ms. Van Dame stated that they felt this was the process and they would contact her. Council Members Wiseman, Alvarado and Berry absent.

Dr. William Floyd, 7505 Memorial Woods Drive, Houston, Texas 77024 (713-680-1253) appeared and stated that they did need I-10 West and 610 connector noise mitigation; that Memorial Oaks Townhomes were approximately 100 yards south of I-10 and 700 yards west of 610 and the noise had increase to such hostel levels that sensitive hearing loss could occur. Council Members Lawrence, Wiseman and Berry absent.

Upon questions by Council Member Edwards, Dr. Floyd stated that previous officers of the Memorial Park Tennis Association and the Memorial Oaks Homeowners Association had spoke with TXDOT; and they were told testing was done and they believed the noise levels were within standards, but he was asking for creative solutions by the city with a commonsense approach; and Council Member Edwards stated that they should work with their Council Member as she could develop that approach. Council Members Wiseman and Berry absent.

Upon questions by Council Member Sekula-Gibbs, Dr. Floyd stated that this issue had been addressed for at least 5 years, but the noise levels continued to increase as they elevated the new roadways and further testing was needed; and he believed with barriers and sound absorption they could find a good alternative workable solution. Council Members Lawrence, Wiseman and Berry absent.

Council Member Garcia moved that the rules be suspended for the purpose of hearing Ms. Marcia Perry out of order at this time, seconded by Council Member Khan. All voting aye. Nays none. Council Members Lawrence, Wiseman and Berry absent. MOTION 2006-0162 ADOPTED

Ms. Marcia Perry, 1619 Webber, Houston, Texas 77007 (713-863-9723) appeared and stated that she was president of the First Ward Civic Council, vice chair of the Citizens Transportation Coalition and present in support of the search for solutions of rising freeway noises; and asked those present with her to stand and be recognized. Ms. Perry further stated that the packet presented to the Mayor and Council Members included a map showing where the places were and she believed parks and neighborhoods should be restful; that in the future there would be construction on I-45 and potentially an increase in lanes on I-10 and it was fortunate there were new technologies readily available to decrease noise; and asked the Mayor and Council to help by convening a meeting with TXDOT and community and elected officials to inform the public. Council Members Lawrence, Edwards, Wiseman and Berry absent.

Upon questions by Council Member Brown, Ms. Perry stated that she was aware of the cost overruns on the Katy corridor itself, but did not know if the interchange was a part of that; and in terms of the flyover the original EIS done was done on the flat addition, but she did not believe the raised level had one done and changes had not been addressed. Council Members Lawrence, Wiseman and Berry absent.

Council Member Khan stated that this was a TXDOT project and the city was limited as to what could be done, but would like Mayor White to say where he stood; and Mayor White stated that he appreciated citizens coming and he was a big patron of the park, it was special; that he believed all present was aware of the position taken by the Memorial Park Conservancy in 1991 which was in opposition to sound barriers and the Memorial Park Advisory Committee and Parks and Wildlife Department wanted to represent a consensus of the stakeholders; that he did not just want to do something symbolic and the noise barriers may have an affect on the

vegetation adjacent, the graffiti, lack of visibility at night time, etc., recently he received a letter saying there was new technologies and they needed to know what those were and that the right thing was being done. Council Member Khan further stated that they appreciated the citizens coming and he was with them, but he would like to know their game plan. Council Members Lawrence, Clutterbuck, Alvarado and Berry absent.

Ms. Linda Mercer, 5807 Kansas, Houston, Texas 77007 (713-542-5071) appeared and stated that freeway noise they would have to be vigilant about to protect the urban quality of Houston; that now with expansion of elevated lanes and such techniques to try and mitigate congestion they were going to have to protect air quality and peace and quiet; and Houston was going to have to be an advocate for the most modern and analyzed and advanced techniques to protect the treasure of the park and quality of life within the loop; and meetings were needed. Council Members Lawrence, Khan and Berry absent.

Council Member Lovell stated that she would ask all to go to the Quality of Life Meeting which Council Member Holm chaired, they could bring their information and they could try and come to a solution of collaborative effort on the issue. Council Members Lawrence, Khan and Berry absent.

Council Member Garcia stated that Ms. Mercer was passionate about this and other issues affecting the Cottage Grove community and he thanked her for helping keep an eye on things; and he was looking for an answer from Mr. Marcotte on their hike and bike project. Council Members Lawrence, Khan and Berry absent.

Council Member Edwards stated that she would suggest they look at this issue citywide; that they had the same complaints from all over as noise was rampant in the city and she was not sure if a study was done, but more freeways were being built and TXDOT did not seem to hear what was being said; that maybe also Council Member Alvarado's Health and Environment Committee could work on this and she appreciated their handout. Council Members Lawrence, Khan and Berry absent.

Mr. Peter Tyler, 6110 Wister Lane, Houston, Texas 77008 (713-256-9205) appeared and stated that he was executive director of the Memorial Park Conservancy and was present to discuss the freeway noise, they felt strongly it did impact the park; that they heard of technology now available such as on structure sound barriers and quiet paving; and they felt the city would have a stronger voice than the Conservancy. Council Members Lawrence, Khan and Berry absent.

Council Member Holm stated that she felt all at the Council table were strong supporters of Memorial Park and had to reiterate again how great a wakeup call to bring people to speak, but it was not a resolution or discussion process and he did know the process and if they did need help they should call; that she wanted others to know they were not present as a result of inattention, no one called for her to help in any form or fashion; and Mr. Tyler stated that he apologized for the lack of communication, they heard her offer to go to the Quality of Life Meetings and would love to do so; and Council Member Holm stated that she understood TXDOT did speak with everyone and the Conservancy was part of the decision to not have mitigation; and Mr. Tyler stated that a certain mitigation was offered for an on ground sound barrier, however, talking about a structure 30 feet in the air was ludicrous, but now they wanted to know if the newer technologies could be used. Council Member Berry absent.

Mayor White stated that if people had technical papers on the new technology; that he did some homework after receiving his letter; and upon questions, Mr. Tyler stated that when it came to quiet paving materials he was not an engineer or sound expert; and Mayor White stated that he advocated the city should spend time and money and was trying to understand; and Mr. Tyler stated that sometimes it was called rubberized paving or asphalt and it was put on roads to lessen the noise, whether it worked well was a good question and did it last well, what

was cost, etc., he did not know those answers but posed the questions to TXDOT and was still waiting answers; and Mayor White stated that asphalt material absorbed heat at a much more rapid pace and increased the ambient air temperature and also resulted in degradation of the asphalt itself and you had more potholes and that was why a lot of places called for more cement and less heat absorbent materials. Council Members Garcia and Berry absent.

Ms. Carol Caul, 685 N. Post Oak Lane, Houston, Texas 77024 (713-680-2500) appeared and stated that she was present to speak on noise on the 610 interchange, what was called a federal laid highway project, and as such it was the FHWA and not TXDOT which was ultimately responsible for correcting noise and noise mitigation issues; that she and her husband filed suit in Federal District Court in June 2004 asserting numerous violations of the Federal Laid Highway Act Noise Statute and its implementing regulations and they asserted the park lands and arboretum never had a proper noise analysis; in October 2004 the FHWA and TXDOT delivered to them and the court a fourth analysis for their neighborhood asserting and showing the noise predicted impacts would be 100% out of compliance with federal standards and that would imply they would be 100% out of compliance with Memorial Park and 200% out of compliance with the arboretum and in their suit they were asking for a proper noise analysis to be supervised by the court and proper noise mitigation to be developed with community and City of Houston input and also asserted in their suit that impact studies delivered to them in 2004 were never delivered to city and other local officials and they were now conducting outreach programs. Council Members Johnson, Garcia, Alvarado, Sekula-Gibbs, Green and Berry absent.

Mr. Dave Dyer, 6046 Woodbrook Lane, Houston, Texas 77008 (713-869-4445) appeared and stated that he was with the Memorial Park Tennis Association and noise had gotten worse as traffic increased, now players had to resort sometimes to hand signals to show scores and since the freeway was being rebuilt anyway it seemed ashamed to not take a serious effort and remediate noise; that he realized it was not a Council problem, but if they would work with TXDOT they would have everyone's support. Council Members Johnson, Garcia, Alvarado, Sekula-Gibbs, Green and Berry absent.

Council Member Lawrence thanked him for all the work he had done for Eleventh Street Park. Council Members Johnson, Garcia, Alvarado, Sekula-Gibbs, Green and Berry absent.

Mr. Jim Dougherty, 6515 Durford Drive, Houston, Texas 77007 (713-521-9551) appeared and stated that he lived on the east side of Memorial Park and noise had increased over the years; that he did know this was citywide, the city problem was not building highways TXDOT did that but the city did need to be concerned about the noise level and how TXDOT handled it when in the city; that he felt the group was trying to get TXDOT to be transparent with the City of Houston. Council Members Johnson, Garcia, Sekula-Gibbs, Green and Berry absent.

Mr. Paul Darmitzel, 8618 La Fonte, Houston, Texas 77024 (713-853-9502) appeared and stated that he was president of the Lafayette Place Section Three Homeowners Association and since reconstruction of the West Loop commenced they noticed a dramatic increase in the level of noise and there were technologies available to remediate the additional noise but TXDOT refused to implement them; that there were questions of cost, but he understood under Title 23 of the U. S. Code remediation of the noise was not an option, it was mandated by federal statutes and they would urge Council to become involved and participate in public hearings with TXDOT. Council Members Johnson, Garcia, Sekula-Gibbs and Berry absent.

Mrs. Justen Walker, 4501 Woodway Drive, Houston, Texas 77024 (713-681-8433) appeared and stated that she worked as a naturalist at the Houston Arboretum and Nature Center and wanted to share concerns; that she took students out on the property to enjoy and learn about nature and each time she had them close their eyes and stand still to see what they could hear, but there was always someone saying they heard traffic and they did not get to experience nature in its fullness so many children were growing up with the traffic as

background noise and did not realize it was a part of what nature was and that was her concern. Council Members Johnson, Garcia, Sekula-Gibbs and Berry absent.

Mr. Tom Ivy, 4501 Woodway Drive, Houston, Texas 77024 (713-681-8433) appeared and stated that he was a retired school teacher and volunteered at the arboretum and he shared Ms. Walker's concerns that children did not have any idea of what a quiet environment was, many times they did not hear the background noise because they tuned it out, they lived in such a noisy environment they did not know what a quiet place was or could be and that was something he thought federal regulations tried to insist was there; that the park was set-aside with 265 acres and now it was down to 155 acres and much of it was the freeway itself; and he would appreciate Council's input. Council Members Lawrence, Johnson, Garcia, Sekula-Gibbs and Berry absent.

Ms. Robin Holzer, 1306 Fairview, Houston, Texas 77006 (713-301-5716) appeared and stated that she chaired the Citizens Transportation Coalition, a grassroots coalition of neighborhoods from across the Houston area, and they recognized transportation projects had a huge impact on their quality of life; that many were working to solve the problems and today they were immediately concerned about the I-10/610 interchange at Memorial Park, but as others observed the problem also affected other neighborhoods and in particular as US 290 and I-45 North were reconstructed the interchanges would be larger and taller; that there were new technologies deserving another look and today all came asking for Council's assistance as they needed their help; that they did appreciate Council Member Holm's invitation to attend the Quality of Life Committee and looked forward to doing it; and in summary they were looking for answers and solutions in protecting the park and ask the Mayor's Office to convene a meeting where information could be shared with elected officials, community leaders and TXDOT; and welcomed their direction. Council Members Johnson, Wiseman, Garcia, Sekula-Gibbs and Berry absent.

Upon questions by Mayor White, Ms. Holzer stated that she was a fan of details and information and liked the idea of knowing answers going into something, but at the same time she was being pushed to get information and to have a forum so there was a balance. Council Members Johnson, Wiseman, Garcia, Sekula-Gibbs and Berry absent.

Council Member Khan stated that Ms. Holzer was becoming one of the heroes for Houston relating to transportation, but others had exact say into TXDOT affairs, such as senators, etc., and upon questions, Ms. Holzer stated that they did not see the City of Houston as a one stop shop and her understanding was neighborhood leaders were working with their state legislators, but at the same time this was a longtime issue for Houston, not just about one neighborhood, and they needed to know neighborhoods would not be adversely affected; and Council Member Khan stated that he did want to visit with her on the issue. Council Members Wiseman, Garcia, Sekula-Gibbs and Berry absent.

Council Member Lovell stated that they went through this when work was being done on 59 and it was a long but successful process; that it was because work was done upfront and with all stakeholders it was successful; that maybe it was in the Public Health and Environmental Committee they needed to go to, but they were the obvious group because they were citywide and she would suggest putting together the meeting first and bring in all stakeholders and do a step by step process, all should be educated upfront and then bring in TXDOT and she felt they could be successful using the same formula and would ask Ms. Holzer to put together the meeting and also arrange to speak at the next Public Health and Environmental Meeting and educate that committee. Council Members Garcia, Sekula-Gibbs and Berry absent.

Council Member Brown stated that many were concerned with this citywide problem and he thought all were for a more informed approach in stopping things before they became problems such as they were now faced with and he would like the city to have a clearly stated

public policy about the intrusion of the expansion of highways into neighborhoods and parks because other cities had and he also thought the city needed to send a message to TXDOT on what was expected and perhaps then they would become a more transparent agency; and they had his support; and Ms. Holzer stated a policy would be great so they would not have to react after the fact. Council Members Garcia, Sekula-Gibbs and Berry absent.

Council Member Edwards stated that her office would follow the lead of Council Member Holm and work with them on this; and upon questions, Ms. Holzer stated that members of their group were speak with representatives; and Council Member Edwards stated that they needed their influence and access to help in strategies. Council Members Johnson, Edwards, Garcia, Lovell, Sekula-Gibbs and Berry absent.

Mayor White stated that they made a point by way of illustration by way of consequences of massive amounts of heavy vehicles going at speeds through neighborhoods and it may be this was a feature of expanding freeways through neighborhoods that made it necessary to look at transportation alternatives and he thought alternatives to freeways were needed and he would do what he could to mitigate noise, but there were limits to what could be done under a freeway project already undertaken. Council Members Johnson, Edwards, Garcia, Lovell, Sekula-Gibbs and Berry absent.

Council Member Clutterbuck moved the rules be suspended for the purpose of hearing Mr. James Myers, Mr. Jay Hall, Ms. Elaine Gaskamp, Mr. Michael Hatley, Mr. J. J. McMillen, Mr. Perry Radoff, Ms. Marcy Williams and Mr. Heb Johnson out of order, seconded by Council Member Khan. All voting aye. Nays none. Council Members Johnson, Edwards, Garcia, Lovell and Sekula-Gibbs absent. MOTION 2006-0163 ADOPTED

Mr. James Myers, 8006 Duffield, Houston, Texas 77071 (713-995-9116) appeared, presented information, asked all those present to show solidarity to the issue of security and safety of citizens in the southwest area to stand to be recognized and stated that he was president of Southwest Houston 2000 and Houston officers were dedicated and committed and very professional and they needed to single out their Fondren Division 17 Captain Bruce Williams for exemplary distinction as he followed rules and went way outside the box in improving the community, however, they had never been given an adequate number of officers to carry out its mission as the community expanded greatly and they were appealing to take back their streets in neighborhoods from criminals who now roamed them; that historically Division 17 had the highest number of calls for police service, 598, per officer, per year of any HPD division and the lowest number of officers; and now with 15,000 Katrina evacuees living in their community manpower shortage was exacerbated even more. Council Members Johnson, Edwards, Khan, Holm, Garcia, Lovell and Sekula-Gibbs absent.

Mayor White stated that each week on the net program there was a low of 8 and a high of 23 new fulltime officer equivalence within the Fondren Southwest Division and that was a significant supplement to the forces there and in addition Captain Gurshner on the Westside had done a great job showing if you manage your personnel when people took time off you would have more effective law enforcement, but he appreciated him providing statistics. Council Members Johnson, Edwards, Khan, Holm, Garcia, Lovell and Sekula-Gibbs absent.

Upon questions by Council Member Clutterbuck, Mr. Myers stated that they calculated that Division 17's officers statistics must have 30 additional officers to be permanently assigned and bring them back just to the norm of other HPD divisions. Council Members Johnson, Edwards, Khan, Garcia, Lovell and Sekula-Gibbs absent.

Mr. Jay Hall, 3212 Jackson Street, Houston, Texas 77004 (832-427-9940) appeared and stated that he was a retired lieutenant with HPD and his concern today had to do with several incidents and today there was still a leadership crisis in law enforcement and city government where retaliation was the administration's solution for speaking out; that some known and

unknown city officials and police officers engaged a suspect by the name of Tony Blacknol and the Alamo title Company and instructed them to criminally frame him with a fraudulent mortgage case by stealing his identity and using an old logo, Hall Property, and in 2002 HPD refused to investigate his complaint and he presented the case to the FBI, a case was opened but there was failure to investigate witnesses, Alamo Title had manipulated facts making it seem he was the suspect and not the complainant and in 2006 no suspect had yet been found and then the same were allowed to commit a second fraudulent activity. Council Members Johnson, Edwards, Khan, Garcia, Lovell and Sekula-Gibbs absent.

Council Member Lawrence stated since he was an ex-officer, looking at southwest Houston, how would he think it would be impacted if the officers there now were not making calls to apartments and burglar alarms; and Mr. Hall stated they would have to prioritize what calls needed service. Council Members Edwards, Khan, Garcia, Lovell and Sekula-Gibbs absent.

Ms. Elaine Gaskamp, 9315 Petersham, Houston, Texas 77031 (832-423-9671) appeared and stated that she was the Super Neighborhood 36 president and resident of Fondren Southwest area and today was present with many asking for immediate assistance in southwest Houston from the Mayor and Council; that they were hosting more evacuees than any other area and they wanted them to be protected also and everyone was being put in harms way without the additional officers; that the overtime helped but was a band aid and more officers were needed. Council Members Edwards, Khan, Garcia, Lovell, Brown, Sekula-Gibbs and Berry absent.

Mayor White stated that actions were being taken to take folks out of jail and reassigned and he would also say it would be easy to say they would take officers out of areas with less crime and he was for objective material based on allocation of resources, but he would say if neighborhoods making up more than half the tax base were striped of their officers they would hear from them, but as it was there was a disproportionate allocation of officers where there was a great amount of crime and he did not think Fondren Southwest had received their fair share amount of officers and as the number of officers were raised they would be allocated to areas with some of the highest crime rates. Council Members Holm, Garcia, Sekula-Gibbs and Green absent.

Council Member Clutterbuck stated that speaking on behalf of her friends and neighbors they were not trying to get an unfair allocation or even shift officers from one division to another, but were trying to take the Mayor's suggestion and with the new 100 officers who would be hitting the streets soon and take a portion of them to remedy what was a disproportionate allocation prior to his coming into office; and Mayor White stated that other things would help specifically and that was why the ordinance concerning more responsibility by certain apartment owners would be an important part of the mix, school night curfew, etc., was all a part of what they were trying to do. Council Members Holm, Garcia, Sekula-Gibbs and Green absent.

Council Member Khan stated that crime was a major issue in the city right now and all had reasons and excuses, but he was glad they came and could assure them that the Mayor and Council were totally committed to fight crime in all neighborhoods and citizens had to be proactive in fighting crime and they had a full commitment from elected officials and HPD the problem was going to be controlled as best they could. Council Members Holm, Garcia, Sekula-Gibbs and Green absent.

Mr. Michael Hatley, 8019 Twin Hill, Houston, Texas 77071 (713-772-4613) appeared and stated that he served as secretary of Super Neighborhood 36 and vice president of New Braeswood Revitalization Association and present as the police force out of Fondren was understaffed and now had become purely reactionary and there was no patrol, they went from call to service and call to service with task at each end; that before Katrina it was getting out of hand and was now absurd and the tac unit needed to be doubled in size. Council Members

Holm, Garcia, Sekula-Gibbs and Green absent.

Council Member Berry stated that he drove the area and was shocked at how many people were in the streets and would like a copy of his comments; and upon questions, Mr. Hatley stated that he would like actual patrols, where police drove around looking for problems. Council Members Holm, Garcia, Sekula-Gibbs and Green absent.

Upon questions by Council Member Brown, Mr. Hatley stated that he was not familiar with the term Hot Spots Units; and Council Member Brown stated that they did exactly what he was saying the police did not do, they were proactive and 40 officers or more were assigned to drive around and find people up to no good; and upon questions, Mr. Hatley stated that it that would help the entire city it would be fantastic, but he did not think that would solve the problem, they needed more boots on the ground in the Fondren Division, in the tac units; and Council Member Brown stated that he also would like a copy of his statement; and yielded to Council Member Wiseman. Mayor White, Council Members Holm, Garcia, Sekula-Gibbs and Green absent. Mayor Pro Tem Alvarado presiding.

Council Member Wiseman stated that she appreciated what he shared because the same was being experienced throughout the city and Kingwood and Clear Lake had the same problems, when you had large groups of underage kids engaged in underage drinking and possible drug use then littering and level of crime rose and more patrol was needed throughout the city. Mayor White, Council Members Holm, Garcia, Sekula-Gibbs and Green absent. Mayor Pro Tem Alvarado presiding.

Mr. J. J. McMillen, 7602 Braes Meadow Drive, Houston, Texas 77071 (713-779-5758) appeared and stated that he was president of Maplewood West Civic Association near Fondren and South Braeswood and they had a growing number of lifetime residents selling their homes and moving away; that gang activity was out of control and it was impossible to look at the news, etc., and not see the gain in crime in their area and they needed resources that did not expire; Southwest Houston needed more officers because of more crime and they needed total commitment, without additional manpower they would sink. Mayor White, Council Members Wiseman, Holm, Garcia, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding.

Council Member Edwards stated that she appreciated their problems but when speaking to police she was told after someone was arrested they were back on the street two days later; and upon questions, Mr. McMillen stated at this time they were just trying to get enough officers to respond; and Council Member Edwards stated that the current budget the city spent on policing was almost the whole city budget and she wanted to know how to manage the force more efficiently, if more officers were put in the southwest he was wanting them to respond to people on the street as priority; and Mr. McMillen stated that they just wanted response period. Council Members Wiseman, Holm, Garcia, and Green absent.

Mr. Perry Radoff, 3050 Post Oak Blvd. #1425, Houston, Texas 77056 (713-629-0670) appeared, presented information and stated that regarding solutions, the efficiency of officers was that in his observation they were operating at more than 100% efficiency, it was respond for calls, respond for calls; that he now lived in Council Member Holm's district and she had his permission to shift officers; that Houston did not have enough officers as four years ago they had 5,400 officers and now it was 4,800, 600 less with increased crime; that an average ratio was 2.8 officers per 1,000 for a major city and Houston during daylight was less than two and New York had a ratio of 4.8 officers per 1,000 and Chicago 4.7; that there was now efforts on prevention and working with increased enforcement, ordinances being looked at to address crime issues in apartments, etc., were big issues and a fast unit doubled would be a good measure, etc., and his objective was for a safe city not know for its crime. Council Members Wiseman, Holm, Garcia, and Green absent.

Mayor White stated that he was familiar with his statistics and thanked Mr. Radoff for coming. Council Members Wiseman, Holm, Garcia, Alvarado and Green absent.

Ms. Marcy Williams, 7626 Bankside Drive, Houston, Texas 77071 (713-774-3150) appeared and stated that she lived in the Fondren Southwest community and was appealing to the Mayor and Council for help with the shortage of officers; that there was a steady decline in the quality of life and an increase in crime in all levels of severity; that she volunteered in various organizations and their community saw the results of the NET Program, an amazing increase in police presence, and they thanked them and were following their lead and asking for an immediate increase in officers for their Division 17 so they too could be proactive. Council Members Wiseman, Holm, Garcia and Alvarado absent.

Council Member Lovell thanked Ms. Williams for coming; and upon questions, Ms. Williams stated that they did still have their wonderful gardens and all were invited to view them. Council Members Wiseman, Holm, Garcia and Alvarado absent.

Mr. Heb Johnson, 12510 Millbanks, Houston, Texas 77031 (281-933-1654) appeared and stated that about a year ago his neighbor's house was broken into and his reaction to that was he went and got an alarm system, but his neighbor reacted by leaving Houston for another city and that hurt this city on the income side and all requests for extra police were valid, but they had to realize to improve the quality of life they had to increase the taxation and though he was against higher taxation he was more for safety and did not like seeing the decay of Houston neighborhoods; that more police were necessary and he did not believe you could have something for nothing. Council Members Wiseman, Holm, Garcia and Alvarado absent.

Council Member Clutterbuck stated that she wanted to thank everyone for coming today; that they were a very impressive group, all presidents of local civic clubs or volunteers in a number of ways and she saw them at a.m. or p.m. meetings; and she could not express to them enough her privilege in representing each and everyone of them. Council Members Wiseman, Holm, Garcia and Alvarado absent.

Ms. Lydia Busch, 4411 Colschester, Houston, Texas 77018 (713-686-5856) appeared, presented information and stated that she was present representing artist and craftsmen across Houston who on March 4th would be presenting Empty Bowls Houston Day and displayed empty pottery bowls donated to sell and raise food for the hungry; that Empty Bowls Houston was a grassroots organization founded last year and went across the country and internationally and was about hunger in the community; that the bowls were beautiful but empty and that was what the entire event was about; and urged that all come and help fill the bowls, 4848 Main at the Houston Center for Contemporary Craft and 4912 Main at the Lawndale Art Center; that a \$20.00 donation would buy them a bowl and the money would go to the Houston Food Bank; that other art was donated for auction and a band and entertainment would be present; and urged all to participate. Council Members Clutterbuck, Wiseman, Holm, Garcia and Brown absent.

Ms. Abigail Smith, 4045 Linkwood #201, Houston, Texas 77025 (713-662-0646) had reserved time to speak but was not present when her name was called. Council Members Clutterbuck, Wiseman, Holm, Garcia and Brown absent.

Mr./Coach R. J. Bobby Taylor, 3107 Sumpter, Houston, Texas 77020 (202-FA3-4511) had reserved time to speak but was not present when his name was called. Council Members Clutterbuck, Wiseman, Holm, Garcia and Brown absent.

Ms. Andrea Lynn, 15503 T. C. Jester Blvd., Houston, Texas 77068 (281-893-6919) had reserved time to speak but was not present when her name was called. Council Members Clutterbuck, Wiseman, Holm, Garcia and Brown absent.

Mr. Craig Stewart, 2731 Briar Grove, Houston, Texas 77057 (281-536-2970) appeared and stated that he was present a month ago and again present on a related issue; that regarding red light cameras and Council Member Lawrence's response to him he did research and the problem with a system holding the red light was that most accidents causing severe injuries was they ran it four seconds or more after the light had turned red and the interval was too long for those systems so it would not prevent the majority of accidents; that most of the violations for red light cameras came within .1 to .9 seconds after the light was red; that the same 2004 TXDOT study showed by lengthening the yellow light by one second would reduce crashes by 40% across the board and regarding surveillance cameras Council had not approved the program, but it appeared it was already underway and he was not sure how that happened and they too did not work; that London spent the equivalent of \$325 million on cameras to make London the most surveyed city in the world they found in 13 of 14 situations being analyzed they were not effective in reducing crime and completely ineffective in violent crime. Council Members Clutterbuck, Wiseman, Holm and Garcia absent.

Mr. John Fafoutakis (did not leave address or phone number) appeared and stated that it was said the more things change the more they remain the same and January 30, 1933, Adolph Hitler became chancellor of Germany; Mr. Fafoutakis continued to give dates and stated that Hitler told Parliament he wanted to control terrorism but his hands were tied by the Constitution and they needed to loosen binds so he could give law and order and once he received dictatorial power by decree the police state was born; and regardless of who perpetrated the 9/11 attacks on America it had been used and the Constitution was raped under the guise of law and order; that now Governor Perry was issuing 2006 vehicle registration stickers with RFI tracking chips to track people's every move and Police Chief Hurtt wanted to install surveillance cameras on Houston streets and homes and apartments under the guise of law and order; our own government at all levels was embracing the same fascist tyranny which our brave men died fighting; and those too stupid to learn from history were doomed to repeat it; and he also thought it reprehensible and despicable that a Council Member could pull rank and get all of her constituents ahead of the line because they were politically connected when people were waiting hours to speak. Council Members Lawrence, Wiseman, Holm and Garcia absent.

Council Member Clutterbuck stated that she would like to address Mr. Fafoutakis's comment; that those who had appeared had been waiting years to get relief for murders, burglaries and robberies in their division and she saw nothing wrong with putting them to the head of the line to seek redress from the tragic situation; and Mr. Fafoutakis stated that they waited years and could not go before; that everyone was suffering through the same crime spree, it was not just reserved to her constituents; and thanked her for her courtesy. Council Members Wiseman, Holm and Garcia absent.

Mr. Roger Humphrey, 18839 South Memorial Drive #405, Humble, Texas 77338 (281-974-8370) appeared, presented information and stated that he was a City of Houston employee for eight years now and felt he was unjustly penalized for making a lateral transfer from one department to another; that he was to receive an increase in pay already in the works, but prior to receiving it he was transferred to Public Works and they said he was not eligible for the increase as he had not been present long enough; that he felt guidelines for increase should be citywide and not left up to individual departments; that if someone was suspended from one department they would not be able to be hired in another department and also that increases should be given out the same and he felt it should be addressed. Council Members Wiseman, Holm and Garcia absent.

Upon questions by Council Member Berry, Mr. Humphrey stated that seniority did not count in departments; that he had eight years and Public Works said his seniority did not count, how long he was in the department was what counted; that he transferred from Aviation to Public Works and the increases by evaluation were in process, but a few weeks before he received it his transfer went through and they said they could not give it because he was not with them now so when Public Works started the process for increases they said he was not

eligible because he had not been there long enough; that according to his review he had the increase coming and it was an hourly increase by three and a half percent; that he just made six months with Public Works and he had asked for his transfer because the schedule he was being transferred to would interfere with time he needed with his son. Council Members Wiseman, Holm and Garcia absent.

Council Member Lawrence stated that she understood what he said, but wanted to thank him for working for the city for eight years and she hoped it did not change his spirit in working for them; that different departments had different policies and she did respect that, but hoped his service continued; and Mr. Humphrey stated that he just did not see how one department could give a different percent even if you did the same job, there should be a citywide policy on merit increases. Council Members Wiseman, Holm and Garcia absent.

Upon questions by Council Member Khan, Mr. Humphrey stated that his transfer was a lateral transfer, same grade level and same title and same pay; that in speaking with his department they said there was nothing he could do but go to Council; Council Member Khan stated that the comment he would make to the Mayor was it was very rare employees received any pay increases and for someone to not receive what was coming to them because of certain circumstances seemed to be unfair and he hoped he would have someone look into it. Council Members Wiseman, Holm and Garcia absent.

Council Member Edwards stated that she joined in saying thanks for working for the City of Houston, but departments did have their own budgets; and upon questions, Mr. Humphrey stated that he was not a member of the union and he called them but he was told he was not a member so he should become a member and later maybe it would be looked into. Council Members Wiseman, Holm and Garcia absent.

Ms. G. Carrington, 4823 Lavender, Houston, Texas 77026 (713-675-4428) had reserved time to speak but was not present when her name was called. Council Members Wiseman, Holm and Garcia absent.

Mr. Tim Campbell, 208 Caylor, Houston, Texas 77011 (713-928-6119) had reserved time to speak but was not present when his name was called. Council Members Wiseman, Holm and Garcia absent.

Pastor Joe Hubbard, 3521 Dennis, Houston, Texas 77004 (832-524-4844) appeared and stated that he was with the New Guide Missionary Baptist Church and CEO for the Guiding Light Community Development Corporation and general president for the Central Missionary Baptist General Convention of the State of Texas and today was present in support of Council Member Alvarado, she was very visible in their community and had done great work; that she was accountable and accurate and if she ran again would have his vote. Council Members Wiseman, Holm and Garcia absent.

Mr. Steve Parker, 1625 Wesley, Houston, Texas 77023 (713-923-3982) appeared and stated that he was president of Super Neighborhood 64 and 88 and present to express appreciation and support for Council Member Alvarado, she was a loyal friend and hard worker for Eastwood and Eastend even before she was a Council Member and had been very involved in significant issues all over the city and had taken a lead in helping resolve crime and safety issues; that she had always been there for them and they would stand with her. Council Members Wiseman, Khan, Holm, Garcia and Brown absent.

Council Member Alvarado stated that colleagues had heard her brag about the Eastwood community, they were one of the neighborhoods very successful in working through the prevailing lot size and setback; that she had used them as an example and thanked him for being present; and Mr. Parker stated that they were talking about police support and they had an opportunity in the South Central Division with senior officer Mike Hill who was being

promoted and they would like to keep in at South Central, with his expertise on DRT issues in the neighborhood he would be very helpful. Council Members Wiseman, Khan, Holm, Garcia and Brown absent.

Mr. Steven Stozo, 10507 Mayfield, Houston, Texas 77043 (281-948-4909) had reserved time to speak but was not present when his name was called. Council Members Wiseman, Khan, Holm, Garcia and Brown absent.

Mr. Don Nicholas, 2418 Broad, Houston, Texas 77521 (no phone) had reserved time to speak but was not present when his name was called. Council Members Wiseman, Khan, Holm, Garcia and Brown absent.

Mr. Steven Williams, no address (no phone) had reserved time to speak but was not present when his name was called. Council Members Wiseman, Khan, Holm, Garcia and Brown absent.

President Joseph Charles, Post Office Box 524373, Houston, Texas 77052-4373 (832-453-6376) appeared and stated that he was the first Black American U. S. President; and continued expressing his personal opinions until his time expired. Council Members Edwards, Wiseman, Khan, Holm, Garcia, Brown Lovell, Green and Berry absent. (NO QUORUM PRESENT)

Senator Robert Horton, 3714 Bain, Houston, Texas 77026 (713-260-6144) had reserved time to speak but was not present when his name was called. Council Members Edwards, Wiseman, Khan, Holm, Garcia, Brown Lovell, Green and Berry absent. (NO QUORUM PRESENT)

Mr. Elbert Robertson, 1612 Sampson, Houston, Texas 77003 (832-364-8894) appeared and stated that it should not be said Houston faulted on the Constitution where it said, "One nation under God with liberty and Justice for all."; don't let it be said while Mayor White was on watch justice stood at the gate and cried for children. Council Members Wiseman, Khan, Holm, Garcia, Alvarado, Brown Lovell, Green and Berry absent. (NO QUORUM PRESENT)

Mr. Stephen A. Hester, Jr., 7000 Regency Square #160, Houston, Texas 77036 (713-974-4621) appeared and stated that he was employed by the Houston Center for Independent Living and privileged to work with many in Southwest Houston with drug problems and disabilities which keep them from adequate housing and they were begging on streets and he also worked with those with criminal backgrounds and who had gone to prison and could not find jobs or housing; that he did support police, but people with disabilities routinely had problems because of the disability and he would suggest that if they had an updated Housing Discrimination Ordinance it would help; that anytime some lost their home it caused disruption. Council Members Wiseman, Khan, Holm, Garcia, Brown Lovell, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Clutterbuck stated that she wanted to thank the Mayor and her colleagues in allowing people to be moved forward and those from the Southwest Fondren area come before them today; that she was remiss in also adding her profound thanks and gratitude for Captain Williams who was working tirelessly along with his entire staff in the Fondren Southwest area, doing an exemplary service; that he was a wonderful example of the professional men in blue who served us daily. Council Members Wiseman, Khan, Holm, Garcia, Brown Lovell, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that she had a deep concern about the challenge being faced; that she had asked for hearings, meetings or whatever regarding what was going on as she kept hearing about it on the news, what Chief Hurtt was wanting to do and citizens were coming up and she would ask again that the Public Safety Committee hold a hearing or briefing

as to what was happening in Southwest as she had not seen anything substantive except people saying they had problems; and she looked to the Mayor and Chief Hurtt's leadership, but she did need more information; and Mayor White stated that he had that and felt it was incumbent on them as people who took pride, whether it be with personal tragedy or joys or crisis of September attitude was very important; that he felt this was a safe city, but there would always be somewhere and they needed to have a tone where they recognized there were parts of the city based on statistics where things were getting worse and others getting better; that there should be a briefing and the 17th and the district near by them seemed to have accelerated momentum requiring special attention, but the good news was he looked at January to January crime statistics and there was a lot of progress in every category; and the one most troublesome and got more publicity than anything else was homicides although it was the rarest of major crimes, but again if you took District 17 and the one just to the north of that those two area had a lot of homicides; and Council Member Edwards stated that when you looked at cities with more officers per person their homicide rates were just as high or higher and she would like to look at probable solutions for this and not lay it all on the Police Department; that they got calls daily on why would cameras be watching them and then they were arresting people who were back on the street the next day; that staffing was a piece of this but she was concerned about the whole process and she would like people from the state, etc., looking at this, someone besides the city had to step up; and Mayor White stated that in looking at the legislative agenda and taking an interest in this matter; that people came from different backgrounds and jurisdictions talking to him and asking him to be the spokesman, as she said making more arrests, most folks who study it say there was an affect on incarcerating someone if they were a serial criminal; and Council Member Edwards thanked Mayor White for his leadership. Council Members Johnson, Wiseman, Khan, Holm, Garcia, Brown Lovell, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

At 4:53 p.m. City Council recessed until 9:00 a.m., Wednesday, March 1, 2006. Council Members Johnson, Wiseman, Khan, Holm, Garcia, Brown Lovell, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

City Council Chamber, City Hall, Wednesday, March 1, 2006

A Regular Meeting of the Houston City Council was held at 9:00 a.m. Wednesday, March 1, 2006, with Mayor Bill White presiding and with Council Members Toni Lawrence, Jarvis Johnson, Anne Clutterbuck, Ada Edwards, Addie Wiseman, M. J. Khan, P. E., Pam Holm, Adrian Garcia, Carol Alvarado, Peter Brown, Sue Lovell, Shelley Sekula-Gibbs, M.D., Ronald C. Green and Michael Berry; Mr. Arturo Michel, City Attorney; Mr. Anthony Hall, Chief Administrative Officer, Mayor's Office and Ms. Martha Stein, Agenda Director present.

At 8:26 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:25 a.m. Mayor White called the meeting to order. Council Members Lawrence, Holm and Green absent.

Council Member Garcia moved to suspend the rules to consider Item Numbers 2 and 3 out of order, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2006-0164 ADOPTED.

2. REQUEST from Mayor for confirmation of the reappointment of the following as full-time **MUNICIPAL COURT JUDGES**, for two year terms:
JUDGE LEIGH F. SAINT-GERMAIN
JUDGE FRANCELIA E. TOTTY
JUDGE GORDON G. MARCUM, II
JUDGE ADAM SILVERMAN
JUDGE ELAINE M. TIMBERLAKE

- was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Green absent. MOTION 2006-0165 ADOPTED.

3. REQUEST from Mayor for confirmation of the appointment or reappointment of the following as part-time **MUNICIPAL COURT JUDGES**, for two year terms:
JUDGE DAVID J. QUAN, appointment
JUDGE ANGELA E. PHEA, reappointment
JUDGE BARBARA E. HARTLE, appointment

- was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Green absent. MOTION 2006-0166 ADOPTED.

Mayor White stated that they were so lucky to have citizens who served in these important positions who were committed to good customer service, enforcing the law swiftly with justice and making sure people did not have to wait around and get their business disposed of fast, working hard to implement a new computer system, that they had some appointees in the audience.

Council Member Garcia moved to suspend the rules to hear from Judge Berta Mejia at this time, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Green absent. MOTION 2006-0167 ADOPTED.

Mayor White asked Judge Mejia to introduce the new appointees.

Judge Mejia stated that she wanted to thank the Mayor and Council for taking the action, that on behalf of the fulltime judges, who were on the bench, she thanked them for their confidence, that this morning the Honorable Barbara Hartle and the Honorable David J. Quan were present in the audience with their families and Mayor White requested that they all stand and be recognized, and Members of Council also congratulated the newly appointed judges.

Council Member Khan moved to suspend the rules to consider Item No. 1 out of order, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. MOTION 2006-0168 ADOPTED.

1. CONFIRMATION of the appointment of the following to the **ETHICS COMMITTEE**:
Position Five - **MR. RICK CAGNEY**, for a term to expire December 31, 2007
Position Six - **MR. NOMAAN K. HUSAIN**, for a term to expire December 31, 2006
Position Seven - **MR. JOHN JAY DOUGLASS**, for a term to expire December 31, 2007

- was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2006-0169 ADOPTED.

Mayor White stated that Mr. Nomaan Husain was present in the audience and asked that he stand and be recognized, and Members of Council congratulated Mr. Husain on his

appointment. Council Member Garcia absent.

MAYOR'S REPORT

Mayor White stated that he had a brief Mayor's Report on an issue that would be discussed in committee in more detail next week, that it was YFI or the access to mobile broadband within the City, that today they were hosting in Houston the Digital Cities Convention, which was the second convention like this which chose Houston because of the innovation that this community was showing in making broadband access available and other technology tools, that this morning he was at a breakfast with the planners for 6,000 HP employees nationwide, who were coming to Houston in September because of the importance of the City as the center of technology, that in 2004 the GHP, with people including the City and major employers and technology officers, formed a taskforce of how they could use and deploy technology within the community to make them competitive in the attraction of industry and skilled workers needed for the future, there was a lot of work done on the taskforce, it was the Technology Infrastructure Taskforce throughout last year, that it recommended a focus group to assess the infrastructure needs, they invested a tremendous amount of time and attention on it and came out with a report in October 2005, which made certain recommendations, one, that there be a cost effective high speed, seamless and wireless infrastructure, that by seamless it did entail mobility, that they have mobile access to it, that affordable high speed access should be available throughout the region, that it required government, community organizations and businesses to collaborate to achieve the goal and that it was vital to improving the economic development prospects of the region, that as they knew many cities were looking at how they could collaborate with the private sector to encourage the building of a broadband network that was wireless within their city, that he responded to the report with the technology professionals, there were about 400 there last October, by stating that they would, with the stakeholders, put together a transparent RFP for building the network without the use and need for taxpayer funds, that had come together and there was at least one draft of that RFP, which had been posted on the internet, that they were going to get comments and had been receiving comments, that they were going to go through a second draft, there were various cities that they had studied and that delegations had visited, that in addition there was another procurement, which they would be acting on soon, and that was to create a broadband network, a YFI hot spot, in the Central Business District, which could be done adding relatively modest expense, private employers could make it have more capability by putting certain investment in their buildings, but that would be available to support some of the essential safety and public functions in the downtown area, that could be done approximately a year from the time that they act on a contract that was done through a competitive bidding process and the cost was extremely reasonable for the value added, that some of the typical functions were traffic signals and parking meters, that Oklahoma and other cities were looking at ways that people could maps or access to the internet within their vehicles, they could have redundant systems that were important at a time when they had a disaster or collapse or when they could not use of their functionalities such as radios, that water and sewer meter readings, where they had so many people employed, field inspections, currently they paid \$600,000 for mobile devices for those inspectors, that they were well worth it because they were up to 17 inspections to date now that people did not have to check in and check out every day when they were doing building inspections, like they used to at the beginning of this administration in order to pickup a bunch of tickets and send them back, that the use of Blackberry's did entail some expense, that it could be robust, that as technology changed because of the natural obsolescence of the system it could be adapted to be better and there could be promotional rates or free rates to promote internet access and to bridge the digital divide, that all those topics were going to be addressed at a particular committee meeting. Council Member Berry absent.

Members of Council thanked Mayor White for the report and the endeavor they were taking, and Mayor White stated that the committee meeting was Thursday, March 9, 2006 at 2:00 p.m., that he would ask Council Members to express their opinions, that Mr. Michel could fill them in on some of the rules that they had to abide by that had to do with the level of detail in

the posting, that Centerpoint deserved accolades in working with the City of Houston rather than as an adversary on some of the difficult issues of pole access, which he thought because of their cooperation would put them ahead of where other cities were. Council Member Berry absent.

Council Member Edwards moved to suspend the rules to consider Item Numbers 31 and 29 out of order, seconded by Council Member Khan. All voting aye. Nays none. Council Member Berry absent. MOTION 2006-0170 ADOPTED.

Council Member Garcia moved to suspend the rules to consider Item Numbers 68 and 69 out of order, seconded by Council Member Khan. All voting aye. Nays none. Council Member Berry absent. MOTION 2006-0171 ADOPTED.

Council Member Green stated that he had passed out a written motion to amend Item No. 68 to limit the spending on the item from \$100,000 to \$50,000, and Mayor White stated that the amendment would be taken up when they presented Item No. 68. Council Member Berry absent.

31. ORDINANCE rescinding Ordinance Numbers 2005-1285 and 2005-1394 relating to an interlocal agreement between the City and the **HOUSTON GALVESTON AREA COUNCIL ("HGAC")**; approving and authorizing new Interlocal Agreement between the City and **HGAC** for Preventive Mental Health and HIV/STD services to persons impacted by Hurricanes Katrina and Rita; providing a maximum contract amount - \$1,833,650.00 - Grant Fund – was presented. Council Member Berry absent.

Council Member Edwards stated that this item went to the heart of a real concern that she had regarding how they were going to continue to handle Katrina and Rita and asked if it was going to be a budget item for the whole City, was every department going to be asking for more money because of "Katrina" survivors being in Houston, that she was confused as to when do the people who were living here become Houstonians and they make them a part of the system, that the other question she had on the item was that people going to get HIV treatment were they being asked if they were from Louisiana, were people being asked their residency, that she was going to tag the item, that she needed to know how many people they were talking about, that Houston had a very serious epidemic of HIV that they had not taken seriously and it just seemed amazing to her that they could find money now to add to it that they had been trying to budget for the last five to six years.

Mayor White stated that on the item that source of the grant funding to HGAC usually it was a particular pot of federal funds, and second, the whole issue of the requirement of residency where they were trying to balance and get as maximum amount of federal funds as they could but they did not want to discriminate in the provision of services.

After further discussion by Council Members, Mayor White stated that Item No. 31 had been tagged.

29. ORDINANCE adopting administrative guidelines for the City's Good Neighbor Next Door Housing Assistance Program - **DISTRICTS B - JOHNSON; D - EDWARDS; H - GARCIA and I - ALVARADO** – was presented, and tagged by Council Member Wiseman.
68. ORDINANCE approving and authorizing contract between the City of Houston and **FELDMAN & ROGERS, LLP**, for Legal Services to include representation and counsel to the City of Houston relating to Thomas P. Nixon v City of Houston and Harold Hurt; providing a maximum contract amount - \$100,000.00 - Property and Casualty Fund – **(This was Item 53 on Agenda of February 22, 2006, POSTPONED BY MOTION #2006-161)** – was presented.

Council Member Green stated that he had passed out a written amendment to Item No. 68, that the amendment proposed to limit the spending to \$50,000 in this matter and moved as follows:

"I move that the Ordinance and Agreement be amended as follows:

1. Ordinance-Section 4. The total allocation for the contracts, agreements or other undertaking approved and authorized hereby shall never exceed \$50,000.00, unless and until this sum is increased by ordinance of City Council.
2. Agreement-IV. E. Limit of Appropriation
(2) In order to comply with Article II, Sections 19 and 19a of the City's Charter and Article XI, Section 5 of the Texas Constitution, the City has appropriated and allocated the sum of \$50,000.00 to pay money under this Agreement (the "Original Allocation"). The executive and legislative officers of the City, in their discretion, may allocate supplemental funds for the Agreement, but they are not obligated to do so. Therefore, the parties have agreed to the following procedures and remedies:"

Council Member Sekula-Gibbs stated that she would tag Council Member Green's written motion to amend Item No. 68 and allow for clarification on the full impact of the amendment and asked if the amendment was going to allow all administrative items to reach the \$50,000 limit before they were brought to Council for approval, and Mayor White requested that Council Member Green address the issue.

Council Member Green stated that the motion to amend was only pertaining to the Feldman & Rogers, LLP contract, Item No. 68, that initially the RCA called for \$100,000 authority, with \$75,000 being the first payment and the amendment limited it to \$50,000 total and if in fact they needed to come back later they would need to do so, but it limited it to \$50,000.

Upon further questions by Council Member Sekula-Gibbs, Council Member Green stated that the City Attorney had the authority to enter into contracts up to \$25,000 and he was not getting into micro managing that, but if it came before the full City Council for \$100,000, his intent was that if they needed to exceed \$50,000 then they needed to come back before the City Council and account for the monies that had already been spent, that the hope was that if they had a cap set on it that would hopefully drive maybe a mediation or whatever the case may be.

Council Member Sekula-Gibbs asked if the City had authorized expenditure of more than \$25,000 of the matter prior to its approval by City Council, and Mr. Michel stated that no, the City had not done that, that he thought they had expended the full amount because it had been essentially a two day trial for the injunction hearing and there had been a lot of activity, but the Charter limitation was that the City could not pay without Council approval for over \$25,000 and that had not happened at this point, there had been no bill submitted, that probably charges had been accrued and he did not know exactly what the amount was but they would comply with the law, they would not pay any amount over \$25,000 unless the Council had approved it, and Council Member Sekula-Gibbs asked if that meant that the company would lose their funds, they would not be able to collect if they did not allow the ordinance to pass today, and Mr. Michel stated yes, that if they expended more than that amount they would follow the Charter, and Council Member Sekula-Gibbs asked if they were aware of that when they signed up, and Mr. Michel stated yes, that was the standard conversation that he had with everyone who did business with the City.

Council Member Garcia asked if this would hamper any successful litigation on the City's part to implement the \$50,000 cap, and Mr. Michel stated that he did not think that it would, that he thought the litigation was at a stage now where it was going to proceed under a more normal time table so they would be able to make any assessments if they had to come back to Council, that was not his intent or desire, but it would not hamper the litigation, and Council Member Garcia asked if they tagged the item would it preclude them from being able to attend hearings

and things of that nature effectively in representing the City, and Mayor White stated that if the amendment was tagged that the vote would be on an item that had been on the agenda for a while and would be for the full amount, that they supported Council Member Green's amendment, but if Council Members tag the amendment then he would urge Council Members to vote in favor of the main item. Council Member Edwards absent.

Council Member Holm stated that the way it was worded, did it apply just to the one contract, Item No. 68, or were they extending the authority of the City to \$50,000 on all contracts in the future, that it did not say that, that she was concerned about the wording of the amendment, "The total allocation for the contracts, agreements or other undertaking approved and authorized hereby shall never exceed \$50,000, unless and until this sum is increased by ordinance of City Council.", had they just increased the \$25,000 minimum to \$50,000 on all contracts, and Mr. Michel stated that it was in the context of this specific ordinance authorizing this specific matter. Council Member Edwards absent.

Mayor White stated that the word "hereby" referred to the ordinance that dealt with this particular contract, that it was not amending the City Charter. Council Member Edwards absent.

After further discussion by Council Members, Council Member Sekula-Gibbs asked if they could amend the amendment to absolutely clarify that the amendment did not address any other contracts or ordinance with the exception of the one that was being discussed, Item No. 68, if they could just insert language like that then she would withdraw her tag and be comfortable with it, if the author of the amendment would accept some language that said it was directed to the contract they were discussing, and Council Member Wiseman stated that the amendment, as it had been circulated, where it stated under Section One-Section 4, the ordinance was numbered, so if an amendment could be made at the table to insert the number of the ordinance, then it would address Council Member Sekula-Gibbs concerns, and Mayor White stated that it would not be numbered until it was adopted and suggested that to accomplish their purpose, so that they could clarify it, if they could suggest an amendment substituting, "in the attached contract", for the word "hereby".

Council Member Sekula-Gibbs stated that she would offer as a friendly amendment to substitute the word "in the attached contract" for the word "hereby", seconded by Council Member Khan.

After further discussion Council Member Green stated that he had no objection to the friendly amendment.

Council Member Sekula-Gibbs stated that she would release her tag on the amendment if the friendly amendment was agreeable to the chair.

A vote was called on the amendment to the written motion submitted by Council Member Green to substitute the words "in the attached contract" for the word "hereby". All voting aye. Nays none. MOTION TO AMEND CARRIED.

A vote was called on Council Member Green's motion to amend Item No. 68, as amended. All voting aye. Nays none. MOTION 2006-0172 ADOPTED AS AMENDED.

A vote was called on Item No. 68 as amended. Council Members Wiseman and Sekula-Gibbs voting no, balance voting aye. ORDINANCE 2006-0195 ADOPTED.

69. ORDINANCE relating to Healthcare, Dental and Supplemental Insurance Benefits for City Employees, Retirees, Deferred Retirees, Survivors and certain dependents; approving and authorizing various plans and agreements regarding Health Care, Dental, Supplemental Insurance, including flexible spending arrangements, for the aforementioned beneficiaries – **(This was Item 17 on Agenda of February 22, 2006, TAGGED BY COUNCIL**

MEMBERS WISEMAN, JOHNSON, EDWARDS, GARCIA, HOLM, SEKULA-GIBBS and KHAN) – was presented.

Council Member Garcia stated that he wanted to thank the administration, Mr. Vara and Ms. Candy Aldridge specifically for working with him to help clear some issues with AFSCME and he wanted to thank AFSCME for doing their due diligence on the item, that when they had their meeting he thought it became real clear to the representatives of AFSCME how good the item was.

Council Member Khan stated that he had one concern on the MWBE participation, and request the administration to ask them to provide a regular update as to how the MWBE goals were being met and what efforts they were making towards meeting those goals, and Mayor White asked Mr. Hall if he saw any problem with requesting a periodic update of meeting those goals and Mr. Hall stated absolutely not, that he thought they understood, they had been working intensely with them on the issue because it was fairly complicated in that Council Members had wrestled with the issue before when the contract was up and they wrestled with the principal issues when they did the Medicare Advantage Programs last year, that the goal actually applied to a different based number, that it would be more realistic about what they were doing, that it applied now to the administrative services, those things that the HMO actually did rather than the 90% of the money that went out to the physicians who provided the services, that it was the City's belief and their's that they could reach that goal and it was reasonable, as certified by the Affirmative Action Department, and clearly they could have reports periodically as often as they wanted on how well they were doing on achieving that, they had been part of the discussion in dealing with that and with the understanding that they were to absolutely achieve those because those were more in their control, and Council Member Khan asked if there could be a directive from Mayor White to the MWBE Department or the contract or somewhere, so that they would get the periodic updates, and Mayor White stated that they could do that.

Council Member Holm stated that she wanted to commend Ms. Aldridge for the work she had done and the administration for bringing it forward, that it was an excellent plan and rates for the citizens, that she had asked two questions, that one, she was concerned that they did not offer care at M. D. Anderson under the current plan and what Ms. Aldridge had affirmed was that they could be referred to M. D. Anderson and could get care from M. D. Anderson, that had always been in the plan and would continue to be in the plan, and the second issue was that those people who smoked paid \$25 per month extra on their premiums, that was low compared to most places and she would like for them to consider raising it to \$30 per month, that she was hoping that they would consider raising it to \$30 per person, and Mayor White stated that they would look at that, that he would not like to jump into it and it was going to be controversial but they would take a look at it, and Council Member Holm stated that she would like to have report back to know the conclusion. Council Member Lovell absent.

After further discussion by Council Members, Council Member Sekula-Gibbs stated that she would like for Ms. Adridge to explore the option for employees to purchase a high deductible, low cost, savings account or a health reimbursement account, that she knew it had not been a tradition but would like to encourage the administration to explore the possibility.

Council Member Edwards stated that she had questions regarding the advisory committee appointments, who were those people and what did they do, that she saw Fire and Police unions but did not see any employee unions, that she would like for someone to explain to her what the advisory committee did.

Council Member Alvarado stated that she wanted to make sure there was some kind of alert or awareness to explain to all of the City employees what changes there were, that she thought it was important that a great effort be made to be make sure that the word gets out to all of the City employees and that they were completely aware of what those changes were.

After further discussion by Council Members, a vote was called on Item No. 69. All voting aye. Nays none. ORDINANCE 2006-0196 ADOPTED.

CONSENT AGENDA NUMBERS 1 through 54

DAMAGES - NUMBER 6

6. RECOMMENDATION from City Attorney for settlement of lawsuit styled **CATHERINA WALWYN** v. City of Houston and Joseph Wimbley; in the County Civil Court at Law Number Three (3) of Harris County, Texas - \$27,500.00 - Property and Casualty Fund - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2006-0173 ADOPTED.

ACCEPT WORK - NUMBERS 7 through 10

7. RECOMMENDATION from Director Houston Airport System for approval of final contract amount of \$82,159,165.85 and acceptance of work on contract with **W. W. WEBBER, LLC (previously known as CHAMPAGNE-WEBBER, INC, TEXAS)** for Runway 15R-33L Widening and Extension at Bush Intercontinental Airport/Houston (IAH), Project 556, CIP A-0222, A-0374, A-0378, A-0391, A-0416 - 00.76% over the original contract amount - **DISTRICT B - JOHNSON** - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2006-0174 ADOPTED.
8. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$4,885,612.43 and acceptance of work on contract with **JFT CONSTRUCTION, INC** for Storm Sewer Improvements in the Wilchester West Subdivision, GFS M-0246-01-3 (SM5005) - 04.98% over the original contract amount - **DISTRICT G - HOLM** - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2006-0175 ADOPTED.
9. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,521,238.21 and acceptance of work on contract with **CONTRACTOR TECHNOLOGY, LTD.** for Construction of 20-inch Water Line along Elgin Boulevard and Calhoun Road from Adair Street to Wheeler Street, and authorize final payment to the Surety, **ST. PAUL FIRE AND MARINE INSURANCE COMPANY**, GFS S-0035-88-3 (WA10722) - 07.48% under the original contract amount - **DISTRICT D - EDWARDS** - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2006-0176 ADOPTED.
10. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,258,837.94 and acceptance of work on contract with **LAYNE-TEXAS, a division of LAYNE CHRISTENSEN CO.** for Rehabilitation of Existing Water Wells FY2004, GFS S-0200-14-3 (WA10562-3) - 02.93% over the original contract amount - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2006-0177 ADOPTED.

PROPERTY - NUMBERS 12 and 13

12. RECOMMENDATION from Director Department of Public Works & Engineering for condemnation of Parcel LY5-011, located in the 8100 block of Basset Street, owned by Nathaniel F. Starr, for the **SUNNYSIDE COURT STORM SEWER LATERALS PROJECT**, CIP M-0217-01-2 - **DISTRICT D - EDWARDS** - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2006-0178 ADOPTED.

13. RECOMMENDATION from Director Department of Public Works & Engineering to purchase Parcels DY4-009, DY4-010, DY4-010A and DY4-010B, located in the 500 block of Greens Road, owned by the Greater Greenspoint Management District of Harris County, Jack Drake, President, for the **NORTHBOROUGH CONVEYANCE SYSTEM WWTP ABANDONMENT PROJECT**, CIP R-0536-02-3 - **DISTRICT B - JOHNSON** - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2006-0179 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 14 through 19

14. **TYMCO INTERNATIONAL, LTD.** - \$135,786.70 and **KINLOCH EQUIPMENT AND SUPPLY, INC** \$80,525.03 for Street Sweepers through the Interlocal Agreement for Cooperative Purchasing with Houston-Galveston Area Council for the Houston Airport System - Enterprise Fund - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2006-0180 ADOPTED.
16. **SHI GOVERNMENT SOLUTIONS, INC** for Maintenance Agreement and License Upgrade of NetIQ Software through the City's Master Agreement with the Texas Department of Information Resources (DIR) for Texas CISV Master Catalog Purchases under Chapter 2157 of the Government Code for Information Technology Department - \$203,700.00 - Central Service Revolving Fund - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2006-0181 ADOPTED.
18. **L-3 COMMUNICATIONS SECURITY & DETECTION SYSTEMS** for Security X-Ray Equipment from the State of Texas Building and Procurement Commission's Contract through the State of Texas Cooperative Purchasing Program for Municipal Courts-Administration Department \$32,115.00 - Municipal Courts Building Security Fund - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2006-0182 ADOPTED.
19. **ALLSTEEL, INC** - \$97,154.34, **THE HON COMPANY** - \$177,326.12 and **TEXAS CORRECTIONAL INDUSTRIES** - \$31,424.00 for Office Furniture from the State of Texas Building and Procurement Commission's Contract through the State of Texas Cooperative Purchasing Program for Various Departments - General, Enterprise and Other Funds - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2006-0183 ADOPTED.

RESOLUTIONS AND ORDINANCES - NUMBERS 22 through 54

22. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a 2,809 square foot portion of a 10 foot wide waterline easement, Parcel No. SY5-043; vacating and abandoning said parcel to Baybrook Mall, L.P., the abutting owner ("Owner"), in consideration of owner's conveyance to the City of a 10 foot wide waterline easement containing 2,919 square feet of land, more or less, Parcel KY5-151, out of restricted Reserve "M" of the plat of Baybrook Mall Section One in the August Whitlock Survey, A-793, and other good and valuable consideration - **DISTRICT E - WISEMAN** - was presented. All voting aye. Nays none. ORDINANCE 2006-0197 ADOPTED.
23. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a portion of West 26th Street right of way, containing 14,049 square feet of land, more or less, out of the resubdivision of Shady Acres Second Addition, in the Henry Reinerman Survey, A-644, Houston, Harris County, Texas; Parcel SY2-010, vacating and abandoning Parcel SY2-010 to Memorial Hermann Hospital

System, the abutting owner, in consideration of owner's payment of \$105,368.00 and other consideration to the City - **DISTRICT H - GARCIA** - was presented. All voting aye. Nays none. ORDINANCE 2006-0198 ADOPTED.

25. ORDINANCE approving and authorizing Utility Functions and Services Allocation Agreement between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 439 DISTRICT B – JOHNSON** – had been pulled from the Agenda by the Administration, and was not considered.
38. ORDINANCE approving and authorizing Advanced Funding Agreement between the City and **TEXAS DEPARTMENT OF TRANSPORTATION** for Replacement of Turney Road Bridge at Halls Bayou GFS N-0611-51-3; (SB9248) - **DISTRICT B - JOHNSON** - was presented. All voting aye. Nays none. ORDINANCE 2006-0199 ADOPTED.
39. ORDINANCE approving and authorizing second amendment to the Funding Agreement between the City and **TEXAS DEPARTMENT OF TRANSPORTATION** for Ley Road Grade Separation at UPRR; GFS N-587B-01-2 (N-587B-01) - **DISTRICT B - JOHNSON** - was presented. All voting aye. Nays none. ORDINANCE 2006-0200 ADOPTED.
45. ORDINANCE appropriating \$314,447.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing professional engineering services contract between the City of Houston and **NATHELYNE A. KENNEDY & ASSOCIATES, L.P. d/b/a NATHELYNE A. KENNEDY & ASSOCIATES** for Design of Broadway Street from IH 45 to Airport Boulevard; GFS N-0573-01-2 (SB9230); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICT I - ALVARADO** - was presented. All voting aye. Nays none. ORDINANCE 2006-0201 ADOPTED.
46. ORDINANCE awarding contract to **CUT CREW LANDSCAPE MAINTENANCE, INC** for Grounds Maintenance/Landscaping Services for the Public Works & Engineering Department; providing a maximum contract amount - 3 Years with two one-year options - \$1,122,590.00 - Enterprise and Houston Transtar Funds - **DISTRICTS A - LAWRENCE; C - CLUTTERBUCK; F - KHAN; G - HOLM; H - GARCIA and I - ALVARADO** - was presented. All voting aye. Nays none. ORDINANCE 2006-0202 ADOPTED.
47. ORDINANCE approving and authorizing first amendment to Professional Architectural Services Contract between the City of Houston and **CLARK CONDON ASSOCIATES, INC** for Swimming Pool Renovations at Dodson Lake Park, Cloverland Park, and Sagemont Park, GFS F-0494-01-2 **DISTRICTS D - EDWARDS; E - WISEMAN and H - GARCIA** - was presented. All voting aye. Nays none. ORDINANCE 2006-0203 ADOPTED.
48. ORDINANCE appropriating \$505,840.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing professional engineering services contract between the City of Houston and **DANNENBAUM ENGINEERING COMPANY-HOUSTON, LLC** for Design of Homestead Road Grade Separation, GFS N-0713-01-2 (SB9237); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICT B - JOHNSON** - was presented. All voting aye. Nays none. ORDINANCE 2006-0204 ADOPTED.
49. ORDINANCE appropriating \$5,621,000.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **CSA CONSTRUCTION, INC** for Sims South WWTP Improvements (Package 1), GFS R-0265-30-3 (WW4874); setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering testing, project management and

contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT I - ALVARADO** - was presented. All voting aye. Nays none. ORDINANCE 2006-0205 ADOPTED.

50. ORDINANCE appropriating \$1,518,550.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **WESTON SOLUTIONS, INC** for Design of Scott Wet Weather Facility and Related Lift Stations Evaluation and Upgrade; GFS R-0294-08-2 (WW4902); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS D - EDWARDS and I - ALVARADO** - was presented. All voting aye. Nays none. ORDINANCE 2006-0206 ADOPTED.
51. ORDINANCE appropriating \$1,969,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **BINKLEY AND BARFIELD, INC** for Design of Almeda Sims Wastewater Treatment Plant and Sludge Processing Facility; GFS R-0298-04-2 (4903); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT D - EDWARDS** - was presented. All voting aye. Nays none. ORDINANCE 2006-0207 ADOPTED.
52. ORDINANCE appropriating \$498,080.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **INFRASTRUCTURE ASSOCIATES, INC** for Design of Neighborhood Sewer System Improvements; GFS R-2011-52-2 (WW4914); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS D - EDWARDS and G - HOLM** - was presented. All voting aye. Nays none. ORDINANCE 2006-0208 ADOPTED.
53. ORDINANCE appropriating \$2,633,200.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **R. K. WHEATON, INC** for Water Line Replacement in Irvington Area, GFS S-0035-C3-3 (WA10785); setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering testing, construction management, project management and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT H - GARCIA** - was presented. All voting aye. Nays none. ORDINANCE 2006-0209 ADOPTED.
54. ORDINANCE appropriating \$247,293.70 out of Drainage Improvements Commercial Paper Series F, Fund 49R and authorizing purchase of easements and other interests in real property and payment of the costs of such purchase and/or condemnation of such real property and associated costs for Appraisal Fees, Title Policy/Services, Recording Fees, Court Costs and Expert Witness Fees, for and in connection with and finding a public necessity for, the Capital Improvement Projects for Wilchester, Memorial Way and Memorial Trails Improvements and Kirby Drive Storm Improvements (S.W. Freeway to Brays Bayou) - **DISTRICTS C - CLUTTERBUCK and G - HOLM** - was presented. All voting aye. Nays none. ORDINANCE 2006-0210 ADOPTED.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

MISCELLANEOUS

4. RECOMMENDATION from Director Building Services to debar **JACKSON CONSTRUCTION SERVICES, INC** and **VICTOR WOODS**, President from receiving City public works contracts for a period of two years – was presented, moved by Council Member Khan, seconded by Council Member Alvarado, and tagged by Council Member Green.

After discussion by Council Members, Council Member Green released his tag on Item No. 4.

A vote was called on Item No. 4. All voting aye. Nays none. Council Member Lovell absent. MOTION 2006-0184 ADOPTED.

5. RECOMMENDATION from Director Building Services to debar **PRIMIS CORPORATION** and **LOUIS CARRANZA**, President from receiving City public works contracts for a period of two years - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Lovell absent. MOTION 2006-0185 ADOPTED.

ACCEPT WORK

11. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$6,930,113.77 and acceptance of work on contract with **INSITUFORM INDUSTRIES** for Completion of Concrete Repairs at various locations, GFS N-0655-02-3 18.71% over the original contract amount - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Lovell absent. MOTION 2006-0186 ADOPTED.

PURCHASING AND TABULATION OF BIDS

15. **CXT PRECAST PRODUCTS** for Modular Restroom from the State of Texas Building and Procurement Commission's Contract through the State of Texas Cooperative Purchasing Program for Building Services Department - \$111,285.29 and contingencies for a total amount not to exceed \$116,849.55 - Grant Fund – was presented, and tagged by Council Member Clutterbuck. Council Member Lovell absent.
17. ORDINANCE appropriating \$144,975.18 out of Police Consolidated Construction Fund for VOIP System and Computer Equipment Purchase for South Central Police Station Replacement for the Building Services Department, CIP G-0058-02-3 – was presented, and tagged by Council Member Sekula-Gibbs. Council Member Lovell absent.
- 17a. **GLOBAL DATA SYSTEMS, INC** - \$73,392.18, **HEWLETT PACKARD (HP)** - \$61,559.00 and **SHI** - \$10,024.00 for VOIP System and Computer Equipment Purchase for South Central Police Station Replacement for the Building Services Department – was presented, and tagged by Council Member Sekula-Gibbs. Council Member Lovell absent.
20. **GODWIN PUMPS OF AMERICA, INC** - \$136,180.00, **BRIGGS EQUIPMENT TRUST dba BRIGGS EQUIPMENT** - \$157,606.00 and **NES RENTALS HOLDINGS, INC** - \$141,580.00 for Equipment Rental Contract for Various Departments - General and Enterprise Funds – was presented, moved by Council Member Khan, seconded by Council Member Alvarado.

Council Member Wiseman stated that she was looking over at some information and moved to postpone Item No. 20 until the end of the agenda, seconded by Council Member Johnson. All voting aye. Nays none. MOTION 2006-0187 ADOPTED.

RESOLUTIONS AND ORDINANCES

21. RESOLUTION approving the issuance and sale by **HOUSTON HOUSING FINANCE CORPORATION** of Multifamily Housing Revenue Bonds (GNMA Collateralized Mortgage Loan -North Oaks Apartments) Series 2006 and approving the Preliminary Official Statement with respect to such bonds - was presented. All voting aye. Nays none. RESOLUTION 2006-0003 ADOPTED.
- 21-1. RESOLUTION approving the action of the **CITY OF HOUSTON HIGHER EDUCATION FINANCE CORPORATION** for its Higher Education Revenue Refunding Bonds (Rice University Project) Series 2006 - was presented. All voting aye. Nays none. Council Member Clutterbuck absent. RESOLUTION 2006-0004 ADOPTED.
24. ORDINANCE approving and authorizing Utility Functions and Services Allocation Agreement between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 407 DISTRICT G – HOLM** – was presented.

Council Member Brown stated that he was concerned that they were following the same procedure, the same contracts and the same application forms as they were using 30 years ago when MUDs were seen as the interim step prior to annexation by the City and then when the City annexes the MUD went away, that his concern was that they needed to update their MUD policy to get a better deal for the City and the taxpayers and setup a situation where MUDs were part of a regional strategy to build a great metropolitan, and asked how would they go about updating City policy on MUDs.

Mayor White stated that he thought it would be an excellent topic to give to the Planning Commission and ask for stake holder input, including that of elected officials around Houston, to develop certain recommendations, that they were trying to balance and did not want to hold up a process for six months, that he thought Council Member Brown suggestion was a good one and he was struggling with the fact that they did not have a de-annexation policy and yet people had come a couple of times to the Council before he was Mayor and asked for de-annexation, that they needed some criteria on important public policy such as this.

Council Member Lawrence stated that in the last committee meeting they addressed some of the annexations and last Legislative session they had some State Legislators carry legislation on the various MUDs, that was one of their recommendations, to get Legislators to strengthen municipalities positions on MUDs and looking to the Legal Department for that recommendation and looked forward to working with certain Legislators that these were issues for them in the next Legislation session.

A vote was called on Item No. 24. All voting aye. Nays none. ORDINANCE 2006-0211 ADOPTED.

26. ORDINANCE consenting to the addition of 120.171 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 82**, for inclusion in its district – was presented. All voting aye. Nays none. ORDINANCE 2006-0212 ADOPTED.
27. ORDINANCE renaming streets Asheburton Springs Drive to Angel Lane and Amery Knoll Drive to New Hope View Lane within the Village at Glen Iris Subdivision - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. Council Member Alvarado absent. ORDINANCE 2006-0213 ADOPTED.
28. ORDINANCE authorizing sale of surplus residential Improvements at George Bush Intercontinental Airport/Houston to Community Housing Development Organizations for the purpose of providing affordable and low income housing for City of Houston residents and approving and authorizing related Purchase Agreements and Bills of Sale - **DISTRICT B - JOHNSON** – was presented. All voting aye. Nays none. ORDINANCE 2006-0214

ADOPTED.

30. ORDINANCE amending City of Houston Ordinance No. 2005-607, passed on May 11, 2005 which approved and authorized the submission of the 2005 Consolidated Plan and the grant application for the 31st Year Community Development Block Grant ("CDBG"), among others - was presented.

Council Member Clutterbuck stated that she wanted to tag Item No. 30 and it went along with Item No. 15 that she also tagged, that she was very concerned that the Housing Department submitted things to them with the hope or anticipation that the funds would end up coming through CDBG from HUD, when in fact they did not have a guarantee, that she would prefer that the Housing Department submit these things when they did know that they were going to be funded.

Council Member Holm stated that she agreed with Council Member Clutterbuck and supported the rearrangement and realignment of the usage of the item to the Consolidated Plan but would hope that the committee would really review the Consolidated Plan for its criteria and make sure that they had constructed development of that, and whether or not they felt like they wanted it to be CDBG money was not the question, that HUD had their rules. Council Member Alvarado absent.

Council Member Edwards stated that the Housing Committee was willing to review the Consolidated Plan and could call a special meeting if that was necessary, that she knew the Mr. Wilson and staff did probably more due diligence than most departments did to make sure they were on the right track, that they would try to get it scheduled for next week.

Council Member Garcia stated that he had shared some concerns with the Mayor about how they were making sure that much of the funding was being spent effectively throughout all the communities in need, that he wanted to take the opportunity to work with Mr. Wilson to make sure they were setting some performance measures so that way all neighborhoods were getting put on the list, that he wanted to make sure the department was hearing his concerns.

Mayor White stated that Item No. 30 had been tagged.

32. ORDINANCE approving and authorizing contract between the City of Houston and **ORCHID CELLMARK, INC**, for DNA Training and Oversight Services for the Police Department; providing a maximum contract amount - 1 Year - \$102,000.00 - Grant Fund – was presented. All voting aye. Nays none. ORDINANCE 2006-0215 ADOPTED.
33. ORDINANCE approving and authorizing contract between the City of Houston and **CHICAGO TITLE INSURANCE COMPANY** for Title Plant Services in connection with the City Legal Department's Title Operations; providing a maximum contract amount - 5 Years - \$600,000.00 General Fund – was presented, and tagged by Council Member Green.
34. ORDINANCE approving and authorizing Intergovernmental Agreement between the City of Houston and the **COUNTY OF LOS ANGELES** for the Purchase of Office Supplies for Various Departments from the County's Master Agreement with Office Depot; providing a maximum contract amount - 5 Years - \$14,510,084.40 - General, Grant, Enterprise and Other Funds – was presented, and tagged by Council Member Wiseman.

Council Member Brown stated that he wanted to recognize Mr. Wells who had worked hard on Item No. 34, that in Xerox materials he had saved the City \$1.4 million and in office supplies \$1.3 million, that it was a savings of over 15%.

35. ORDINANCE amending Ordinance No. 2002-0474 to increase the maximum contract amount to contract between the City of Houston and **COASTAL PUMP SERVICES, INC**

for Submersible Pump Repair Services for the Public Works & Engineering Department - \$342,373.25 - Enterprise Fund – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2006-0216 ADOPTED.

36. ORDINANCE disencumbering \$30,000.00 out of Contract No. C56633 between the City of Houston and **CLARENCE A. WEST** relating to Cable Television Franchise Renewal, future community needs assessment and performance review of Time Warner; and amending Ordinance #2004-1223 to provide a maximum contract amount for contract #C56514 between the City of Houston and **CLARENCE A. WEST**, in connection with Franchise Compliance and Access Line Reviews – was presented, and tagged by Council Member Wiseman. Council Member Berry absent.
37. ORDINANCE appropriating \$100,304.88 out of Street & Bridge Consolidated Construction Fund as an additional appropriation to reimburse Metropolitan Transit Authority (“METRO”) for Construction of Light Rail Transit System along Main Street and Fannin Street between Reliant Park and Downtown Houston - Segment Nos. 1 to 5, GFS N-0671-05-3 (SB9253) under Consent Agreement with Metro (approved by Ordinance No. 00-1028); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICTS C - CLUTTERBUCK; D - EDWARDS and I ALVARADO** – was presented, and tagged by Council Member Clutterbuck. Council Member Berry absent.
40. ORDINANCE appropriating \$322,609.39 out of Water & Sewer System Consolidated Construction Fund and \$240,000.00 out of Homeless and Housing Consolidated Bond Fund; approving and authorizing developer participation contract between the City of Houston and **18 ACRE ALMEDA GENOA, L.P.** for Construction of Water, Sanitary Sewer and Storm Sewer Lines for Section One of the Almeda Trace Subdivision; CIP S-0800-11-3 & R-0800-11-3 - **DISTRICT D – EDWARDS** – was presented, and tagged by Council Members Green, Lawrence and Sekula-Gibbs. Council Member Berry absent.
41. ORDINANCE appropriating \$88,096.57 out of Water & Sewer System Consolidated Construction Fund and \$11,627.16 out of Homeless and Housing Consolidated Bond Fund; approving and authorizing developer participation contract between the City of Houston and **18 ACRE ALMEDA GENOA, L.P.** for Construction of Water, Sanitary Sewer and Storm Sewer Lines for Section Two of the Almeda Trace Subdivision; CIP S-0800-12-03 & R-0800-12-03 - **DISTRICT D - EDWARDS** – was presented, and tagged by Council Members Green, Lawrence and Sekula-Gibbs. Council Member Berry absent.
42. ORDINANCE appropriating \$388,844.81 out of Water & Sewer System Consolidated Construction Fund and \$240,000.00 out of the Tax Increment Reinvestment Zone Affordable Housing Fund; approving and authorizing developer participation contract between the City of Houston and **NEWMARK HOMES, LP. (Trophy Homes Division)** for Construction of Water, Sanitary Sewer and Storm Sewer Lines to serve Section One of the Rosslyn Landing Subdivision; CIP S-0800-16-3 & R-0800-16-3 - **DISTRICT A - LAWRENCE** – was presented, and tagged by Council Member Lawrence. Council Member Berry absent.
43. ORDINANCE appropriating \$311,880.27 out of Water & Sewer System Consolidated Construction Fund and \$210,000.00 out of the Tax Increment Reinvestment Zone Affordable Housing Uptown Fund; approving and authorizing developer participation contract between the City of Houston and **NEWMARK HOMES, LP. (Trophy Homes Division)** for Construction of Water, Sanitary Sewer and Storm Sewer Lines to serve Section Two of the Rosslyn Landing Subdivision; CIP S-0800-17-3 & R-0800-17-3 - **DISTRICT A - LAWRENCE** – was presented, and tagged by Council Member Lawrence. Council Member Berry absent.

Council Member Lawrence stated that on Item Numbers 42, 43 and 44 she would tag the three items, that they had tried to get hold of the developer/builder and he was not returning calls.

44. ORDINANCE appropriating \$147,192.30 out of Water & Sewer System Consolidated Construction Fund and \$147,000.00 out of the Tax Increment Reinvestment Zone Affordable Housing Uptown Fund; approving and authorizing developer participation contract between the City of Houston and **NEWMARK HOMES, LP. (Trophy Homes Division)** for Construction of Water, Sanitary Sewer and Storm Sewer Lines to serve Section Three of the Rosslyn Landing Subdivision; CIP S-0800-18-3 & R-0800-18-3 - **DISTRICT A - LAWRENCE** – was presented, and tagged by Council Member Lawrence. Council Member Berry absent.

NON CONSENT AGENDA - NUMBER 55

PROPERTY

55. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from William A. Gray of William A. Gray Real Estate Investments, Limited, LLP (William A. Gray, general partner), for abandonment and sale of a 10-foot-wide water line easement and two 10-foot-wide sanitary sewer easements in exchange for the conveyance to the City of a 10-foot-wide sanitary sewer easement, located within Unrestricted Reserves B and C, Monroe Crossing Subdivision, Parcels SY6-060A, SY6-060B, SY6-060C and DY6-020 - **TWO APPRAISERS and one ALTERNATE APPRAISER DISTRICT I – ALVARADO** – was presented.

Council Member Alvarado named Mr. Terrance O'Rourke and Ms. Sheila Stewart as appraisers and Mr. Ronald Little as alternate appraiser and moved adoption of the recommendation, seconded by Council Member Khan. All voting aye. Nays none. MOTION 2006-0188 ADOPTED.

MATTERS HELD - NUMBERS 56 through 69

56. MOTION by Council Member Khan/Seconded by Council Member Alvarado to adopt recommendation from City Attorney for allocation of additional funds in the amount of \$25,000.00 for Legal Services Agreement with **COATS ROSE YALE RYMAN & LEE P. C.** in connection with construction close out issues for the expansion of the George R. Brown Convention Center Enterprise Fund – **(This was Item 3 on Agenda of February 22, 2006, TAGGED BY COUNCIL MEMBER WISEMAN)** - was presented. All voting aye. Nays none. MOTION 2006-0189 ADOPTED.
57. MOTION by Council Member Khan/Seconded by Council Member Alvarado to adopt recommendation from Finance & Administration Department to **AMEND MOTION #2001-1102, 10/3/01, as amended by MOTION #2004-822 and 2005-321, TO INCREASE** spending authority from \$12,475,677.50 to \$15,594,596.88 for Water Meters, Cold Water Contract for Department of Public Works & Engineering, awarded to **BADGER METER, INC** - \$3,118,919.38 - Combined Utility System General Purpose Fund – **(This was Item 13 on Agenda of February 22, 2006, TAGGED BY COUNCIL MEMBERS WISEMAN, BERRY and SEKULA-GIBBS)** - was presented. All voting aye. Nays none. MOTION 2006-0190 ADOPTED.
58. ORDINANCE approving and authorizing distribution of the Preliminary Official Statement related to the City of Houston, Texas Taxable Pension Obligation Bonds, Series 2006A; City of Houston, Texas Public Improvement Refunding Bonds, Series 2006B; City of Houston, Texas Certificates of Obligation, Series 2006C; approving or declaring other

matters incidental to the issuance and sale of such bonds; making various findings and provisions related thereto; and declaring an emergency – **(This was Item 16 on Agenda of February 22, 2006, TAGGED BY COUNCIL MEMBERS HOLM and GARCIA)** – was presented. Council Member Clutterbuck absent.

After discussion by Council Members, Mayor White stated that on the extent of the use of debt financing, whether it would be in Council Member Holm's committee or Fiscal Affairs or it could be joint, he would say that when they did the big massive pension reform in the spring of 2004, they did as part of reducing liabilities and increasing assets and making sure they had a multi year plan concerning the issuance of pension bonds, and it was subject on some things like if interest rates went up and there was no difference between the yield on the funds and the bonds, then he was not going to approve it, but they scheduled out the CIP for the next five years at that time based on the issuance of certain amounts of pension debt, so it would not be in perpetuity, there needed to be criteria, but some of those criteria they had discussed in some length in 2004 and if they needed to revisit the issue he thought it might also be one that perhaps Fiscal Affairs would be a place to discuss, but they really could not discuss one piece of debt unless they talked about the total amount of debt, just like they could not talk about one isolated piece of the budget without talking about the other pieces of the budget. Council Member Clutterbuck absent.

Council Member Edwards stated that the Housing meeting would be planned for Wednesday, March 8, 2006 at 2:00 p.m. Council Member Clutterbuck absent.

A vote was called on Item No. 58. All voting aye. Nays none. Council Member Clutterbuck absent. ORDINANCE 2006-0217 ADOPTED.

59. ORDINANCE consenting to the addition of 174.9161 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 172**, for inclusion in its district – **(This was Item 18 on Agenda of February 22, 2006, TAGGED BY COUNCIL MEMBER WISEMAN)** - was presented. All voting aye. Nays none. ORDINANCE 2006-0218 ADOPTED.
60. ORDINANCE consenting to the creation of **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 470** – **(This was Item 19 on Agenda of February 22, 2006, TAGGED BY COUNCIL MEMBER WISEMAN)** - was presented. All voting aye. Nays none. ORDINANCE 2006-0219 ADOPTED.
61. ORDINANCE consenting to the addition of 12.314 acres of land to **HARRIS COUNTY WATER CONTROL & IMPROVEMENT DISTRICT NO. 155**, for inclusion in its district – **(This was Item 20 on Agenda of February 22, 2006, TAGGED BY COUNCIL MEMBER WISEMAN)** - was presented. All voting aye. Nays none. ORDINANCE 2006-0220 ADOPTED.
62. ORDINANCE consenting to the addition of 367.672 acres of land to **TIMBER LANE UTILITY DISTRICT**, for inclusion in its district – **(This was Item 21 on Agenda of February 22, 2006, TAGGED BY COUNCIL MEMBER WISEMAN)** - was presented. All voting aye. Nays none. ORDINANCE 2006-0221 ADOPTED.
63. ORDINANCE approving and authorizing second amendment to contract #C52180 between the City of Houston and **ELECTRONIC DATA SYSTEMS CORPORATION** to provide Burglar Alarm Billing Services – **(This was Item 28 on Agenda of February 22, 2006, TAGGED BY COUNCIL MEMBERS KHAN and GARCIA)** - was presented. All voting aye. Nays none. ORDINANCE 2006-0222 ADOPTED.
64. ORDINANCE approving and authorizing contract between the City of Houston and **XEROX CORPORATION** for Supply, Management and Support of Multifunction Devices for Printing, Copying, Faxing and Scanning; providing a maximum contract amount - 3

Years with two one-year options - \$9,195,777.80 - Central Service Revolving Fund – **(This was Item 35 on Agenda of February 22, 2006, TAGGED BY COUNCIL MEMBERS WISEMAN, KHAN, GREEN and BERRY)** – was presented.

Upon questions by Council Member Berry, Ms. Judy Johnson, Director of F&A, stated that the Central Service Revolving Fund was just a mechanism for paying the bills that they bought in bulk and then allocating all of those costs to the departments, that it showed up in the budget within several of their revolving funds of that same nature, the only source of money was all of the department budgets where they were going to pay for those costs, that it was very similar to what they did on the Health Benefits Fund, certainly the departments were paying the City's share of the Health Benefits costs but they accounted for that all in the Health Benefits Fund, that this was the Central Service Revolving Fund that accounted for a lot of the central costs, including fuel costs, printing costs and anything that they were basically purchasing and paying for in bulk and getting those massive deliveries and then each department was charged with their actual cost for each and every one of those items that they were acquiring or purchasing through that, that it was really just an accounting mechanism more than anything else. Council Members Johnson and Alvarado absent.

After further discussion by Council Members a vote was called on Item No. 64. Council Members Wiseman and Sekula-Gibbs voting no, balance voting aye. Council Members Lawrence and Khan absent. ORDINANCE 2006-0223 ADOPTED.

65. ORDINANCE appropriating \$239,000.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **LANDTECH CONSULTANTS, INC** for Reconstruction of Holmes Road from Main Street to Kirby Drive, GFS N-0590-01-2 (SB9188); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund **DISTRICTS C - CLUTTERBUCK and D – EDWARDS – (This was Item 37 on Agenda of February 22, 2006, TAGGED BY COUNCIL MEMBERS CLUTTERBUCK and EDWARDS)** - was presented. All voting aye. Nays none. Council Members Lawrence and Khan absent. ORDINANCE 2006-0224 ADOPTED.
66. ORDINANCE appropriating \$400,000.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **SES HORIZON CONSULTING ENGINEERS, INC** for Design of Safe Sidewalk Program, GFS N-0610A-D0-2 (SB9257); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund – **(This was Item 38 on Agenda of February 22, 2006, TAGGED BY COUNCIL MEMBER WISEMAN)** - was presented.

Council Member Wiseman stated that they were being asked to approve \$400,000 for design and engineering work for sidewalks citywide, but they were not provided with a list of the candidates, the list of sidewalks that the department was wishing to have the engineering firm design, that according to the RFP it stated that the whole effort was to construct sidewalks throughout the City of Houston to meet the needs of the citizens, that was where she had concerns, that she had some photos of sidewalks that were constructed in Kingwood that the citizens had contacted her on and had taken their own photos to show that they did not meet the needs of the citizens when it came to safety standards, they had a photo of a truck moving over into another lane and taking up its lane and another to avoid someone who was on a sidewalk, that the sidewalk was narrow, that people were concerned about allowing their children to walk on the sidewalks, there were no safety measures put in place to prevent a child from tipping over a bike onto the roadway whose posted speed limit was 40 miles per hour yet people regularly exceed, that it was a serious concern and when she addressed it with the department she was told that they would have to complete the construction and then after the fact, if there was a need to remove the sidewalks they would and that went against the policy of

the City Council as far as spending the taxpayer dollar wisely when it came to those projects, then the issue became at what point did they decide if the projects were safe or not and certainly it was in the design phase, that the communities were not consulted or altered in any way, that they had been told that Council Members were informed of the projects they were taking up but apparently with Item No. 66 it showed that they were only consulted and informed after the engineering design had been done and prior to the construction, that she thought their money was best spent if design work was done on projects that did meet the needs of the constituents, so to better review the policy and maybe have an amendment of the policy and perhaps maybe next week have the department present a candidate list of proposed projects for design she moved to postpone Item No. 66 for one week, seconded by Council Member Khan.

After further discussion by Council Members, a vote was called on Council Member Wiseman's motion to postpone Item No. 66. All voting aye. Nays none. MOTION 2006-0191 ADOPTED.

67. RECEIVE nominations for Position Four of the **ETHICS COMMITTEE**, for a term to expire December 31, 2006 – **(This was a portion of Item 49 on Agenda of February 22, 2006, POSTPONED BY MOTION #2006-157)**

Council Member Johnson stated that he had passed around the Council table a recommendation for Position Four of the Ethics Committee, and named Dr. Franklin Jones, that his resume was passed along with the recommendation.

Council Member Khan moved to close the nominations for Position Four of the Ethics Committee, seconded by Council Member Holm. All voting aye. Nays none. MOTION 2006-0192 ADOPTED.

Item postponed until end of agenda.

20. **GODWIN PUMPS OF AMERICA, INC** - \$136,180.00, **BRIGGS EQUIPMENT TRUST dba BRIGGS EQUIPMENT** - \$157,606.00 and **NES RENTALS HOLDINGS, INC** - \$141,580.00 for Equipment Rental Contract for Various Departments - General and Enterprise Funds – was again before Council, previously moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2006-0193 ADOPTED.

Council Member Green moved to extend the Council meeting beyond the noon recess to complete the agenda, seconded by Council Member Khan. All voting aye. Nays none. MOTION 2006-0194 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Wiseman stated that she wanted to request the Mayor's assistance on a budget accounting matter, that she was reviewing her office budget as of the December 2005 report and noticed a line item that she had not budgeted anything for because she did not anticipate needing that, yet there was a charge to her account of \$2,600 for termination pay and during that time period, in this fiscal year, she did not terminate anyone and no one left her office, that she asked a member of F&A what termination pay reflected and was told it was accrued vacation and sick pay that was paid out to the employee if the employee left and had that accrued balance, that again, no one left her office yet her budget was being charged \$2,600, that two weeks ago she requested from F&A a report and information for them to pull up the paperwork to show the support for that charge and she had not been provided with information, that she would request Mayor White's assistance in addressing F&A so that they could provide it. Council Members Khan, Lovell and Green absent.

Council Member Johnson stated that they had a very successful CIP meeting at the Fifth

Ward Multi Service Center and wanted to thank all of the department heads that participated, they did a great job and there was a lot of community support and was now looking for an equal successful CIP meeting which would be on March 2, 2006 at the Acres Homes Multi Service Center at 7:00 p.m. and encouraged everyone to come out. Council Members Lawrence, Khan, Lovell, Green and Berry absent.

Council Member Johnson stated that the YFI Project was one that he had watched closely and certainly loved to see the City move towards so that they could change the image of the City of Houston from that of a rustic town to a modern City, that he wanted to talk about the digital divide that they had been a part of for a number of years especially in the inner cities, in particular District B, that he had been working with a group called the Digital Divide Coalition and it was made of a number of organizations who had helped eradicate illiteracy as well as providing computer literacy for their children and families, that it was a project that was made up of the Houston Read Commission, TTOL, Bridging a Digital Divide, as well as the Rowdy Foundation and many others, but certainly they wanted to congratulate the work that they were doing by coming into the inner cities and providing computers, that three weeks ago at the Phoenix Outreach Youth Center, Bridging the Digital Divide gave away over 100 computers to the community, with internet ready and wireless access for their homes and it was a great success and now they were talking about a wrap around model in which they were going to have not only the computers but were talking about providing the families with literacy training through the Houston Read Commission, that he would like to work with Mayor White on the YFI. Council Members Lawrence, Khan, Lovell, Green and Berry absent.

Council Member Johnson stated that in light of what had been taking place with his office and reports that were being done, in what his opinion were character assassinations on him, he wanted to thank his colleagues and his community and wanted to thank the parents of Phoenix Outreach Youth Center who had stepped up and said they recognized it for what it was, that by trying to character assassinate and harm him they were missing and harming the children of his district, that he had resigned his post at Phoenix Outreach Youth Center and still believed in the organization and it was not an organization in his district that he would work very closely with and hopefully it was not going to be harmed by one particular reporters attempt to try to harm him, that they would move forward and let the facts speak for themselves. Council Members Lawrence, Khan, Lovell, Green and Berry absent.

Council Member Clutterbuck stated that the District C, CIP meeting would be on Wednesday, March 8, 2006 from 7:00 p.m. to 9:00 p.m. at the Rice School, which was on Suez Lane, on the northwest corner of North Braeswood and Kirby Drive, and hoped District C residents would attend. Council Members Lawrence, Green and Berry absent.

Council Member Edwards stated that the Housing meeting that would address the Consolidated Plan was being posted and scheduled for Wednesday, March 8, 2006 at 2:00 p.m. Council Members Lawrence, Clutterbuck, Green and Berry absent.

Council Member Edwards stated that she was having a problem with the budget and how it related to Katrina and Rita, there seemed to be an assumption that the U. S. citizens who had relocated to Houston, Texas due to Katrina or Rita was an episodic situation and that they needed to address it in isolation, department by department, point by point, that she needed somebody to give her information as to why they were working it from that position, that her particular point of concern was the Police Department, that if they were having such a critical public safety issue they did not have the budget to put a police officer on every block, why were they not pulling in all the other police services or the National Guard for those areas, that she could not get a handle on any numbers, that she would like some group that they could get to address it as a regional issue, that she would like to have the information before they went to budget. Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Green and Berry absent.

Mayor White stated that one first step would be to have some kind of briefing or note or a

report, probably four to six weeks from now in the Mayor's Report on the population demographics, intention to return, they were surveying and had some new census data, and they ought to have that source of discussion so they would know what their population was, that the summary was that they probably had about 125,000 in the City of Houston and probably about 50,000 to 75,000 more in the region outside the City of Houston, and they ought to have a full briefing on it, and Council Member Edwards stated that with that figure what would that mean to social services, what would it mean for just regular City services that they provide on a daily basis. Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Green and Berry absent.

Council Member Garcia stated that this Saturday the Northside Bond would be having their parade and hoped the Mayor would have time to attend, that it would start at Holy Name Church. Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Green and Berry absent.

Council Member Garcia stated that his first CIP meeting would be at Ripley House at 5:30 p.m. this evening and would have another in the Jensen Eastex Super Neighborhood Council area at the Boys and Girls Club. Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Green and Berry absent.

Council Member Holm stated that in the last two weeks in more than 25 meetings the agenda with constituents had been compromised by the investigation that had been going on in the Mayor Pro Tem Office, that she had remained quiet for two weeks waiting for explanations, that she knew there was an investigation going on and she had no intention of trying to interfere but there was an issue that she thought they must be addressing and that was the accountability and responsibility and finding remedy for a situation that had occurred, that she would like to make a couple of recommendations, the first, it was her understanding that the Pro Tem budget was over expended by a large amount in order to complete the year, that she did not think it was right to ask that taxpayer dollars be transferred into that, she thought they did need positions on the floor in the roles that Mr. Christopher Mays and Ms. Teresa Orta played and those should be temporarily filled until some final decision should be made, she did not know if Building Services could oversee that or where it would come from, but the administrative office that did the payroll, she thought it should be closed and thought it should be transferred to F&A, that the administrative process needed to go forward without adding extra money to an already inflated budget, that they knew that up to \$143,000 had been taken, why have they not asked for the money back, that she thought immediately they ought to do that, that the third thing that concerned her was that the employees evidently raised their salaries in addition to getting bonuses, that it was her understanding that they were on paid leave until the investigation was finished and she did not think they should be on paid leave at the inflated salary that they gave themselves, the least that needed to be done was on the salary that was authorized for them and maybe some of the money that had already been allocated to them should be used for that, that she did not have all of the answers but thought that the administration and all of them had worked too hard to now have the confidence and respect of their community undermined by a process that they needed to take a hold of, so she recommended that they take charge of it, address remedy and accountability, and move forward, at least on that note, to restore the credibility of all of them. Council Members Lawrence, Johnson, Clutterbuck, Wiseman and Green absent.

Council Member Alvarado stated that she and Council Member Holm had a chance to discuss the situation and she appreciated her comments. Council Members Lawrence, Johnson, Clutterbuck, Wiseman and Green absent.

Council Member Alvarado stated that today was Ash Wednesday, the start of Lent, that those in the Catholic community, she knew, were aware that they were losing one of their greatest champions in the Catholic community, one of their leaders who was retiring, Archbishop Joseph Fiorenza, that she wanted to wish him well and congratulate Archbishop

DiNardo who would be taking his place, that Bishops DiNardo and Fiorenza had been active in the community and she wanted to give a special thanks to Archbishop Fiorenza, that he had probably gone beyond what a lot of their religious leaders do in getting involved, whether it was the Justice for Janitors Campaign, or immigration policy or just social services in general and how they affected the community, that they would have a great loss in the City but was confident that Archbishop DiNardo would pick up the reigns and continue that type of charity work on behalf of the Houston community. Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Holm and Green absent.

Council Member Sekula-Gibbs stated that she had submitted two memos that were requesting an independent audit be made regarding the bonus scandal situation that they were under and she had not received any response from the Mayor's office regarding that and would like to know if they would be able to have a limited audit that would look particularly at the allegations of fraud, that it was her understanding that the audit could be conducted by a certified fraud examiner which was more limited and targeted towards the issues related to fraud and potential for a forensic problem, that it was also her understanding that in order for them to do that they could direct the examiner to look at limited scope and therefore control the cost of the independent audit, that she would like to further request an answer to that. Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Holm and Green absent.

Mayor White stated that he would get a response to her, that if Council Members were aware of improprieties in their own office he would urge them to first go the OIG and if they wanted to take some audit steps within their budgets to step forward and do that, that on some of the issues raised by Council Member Holm in the near future when they reach some conclusion in the first step of the investigation, that he had done a lot of review of the procedures of the City in great detail and within some matter of days he was going to have some pretty detailed recommendations, including alternatives that he wanted their feedback on, that they did have detailed written procedures for dealing with payroll adjustments, that there had been a thorough inquiry on his part as to what the alternatives were, that Council offices and the Mayor Pro Tem office was treated different than the other City departments as far as adjustments to salaries and bonuses, in deference to Council Members as independent elected officials, but some of the policies for both salary adjustments and performance bonuses, a number of Council Members did make bonus adjustments or one time payments for which other City employees would not be eligible under their established criteria, that he would have some detailed recommendations and would respond to Council Member Sekula-Gibbs note. Council Members Lawrence, Johnson, Clutterbuck, Holm, Green and Berry absent.

Council Member Sekula-Gibbs stated that today was Ash Wednesday and the beginning of Lent for many of the area Christians who began their season of repentance, fasting and abstinence and was culminated in 40 days with Holy Week and Easter, so it was a very important celebration for the Christian community; that she wanted to thank Archbishop Fiorenza for his service to the community of Christians and Catholics in the Houston and Galveston area and also to welcome Archbishop DiNardo, who was selected by Pope John Paul II in 2004 to replace Archbishop Fiorenza in his post of leadership. Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Holm, Garcia, Alvarado, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Sekula-Gibbs stated that it had now been two years since Proposition 12 had passed the State and was signed by Governor Perry, that Proposition 12 placed caps on medical malpractice at \$250,000 per defendant and that had a very positive influence in bringing physicians back to the State of Texas. Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Holm, Garcia, Alvarado, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Khan stated that he would make a request that as they went through the budget process he would suggest that all departments to come up with cost saving efforts and

building efficiencies into their processes, consolidating various positions, because this year probably would be one of the toughest years in terms of the budget because they had so much more strain on their City services, especially the Police services. Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Holm, Garcia, Alvarado, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Khan stated that last night was the Alief Super Neighborhood Council meeting, it was one of the largest gatherings they had in Alief for a long time, that he wanted to thank Mayor White for attending the meeting and answering concerns of the constituents; that their CIP meeting was on Monday and a lot of department directors were present. Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Holm, Garcia, Alvarado, Green, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Council Member Khan stated that Congressman Al Green was opening an Alief office and would have an open house on Saturday, March 18, 2006 from 2:00 p.m. to 4:00 p.m. at 11110 Bellaire Blvd., at Bellaire and Boone Road; that Congressman Green would be holding a townhall meeting on Crime Prevention and Community Safety on Saturday, March 11, 2006 from 10:00 a.m. to 12:30 p.m. at Fondren Middle School at 6333 South Braeswood Blvd. Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Holm, Garcia, Alvarado, Green, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Council Member Khan stated that on Friday the Islamic Society of Greater Houston would be inaugurating their new Mosque at 3310 Eastside Drive, the main event would be at 8:00 p.m. and he would invite his colleagues to join them. Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Holm, Garcia, Alvarado, Green, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Council Member Khan stated that an Alief Elementary School Teacher, Ms. Natasha Solidum, was found dead in Galveston last week and they wanted to offer condolences to her family and the family of Cummings Elementary School and the Alief Independent School District, that it was a great loss to the whole community. Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Holm, Garcia, Alvarado, Green, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Council Member Brown stated that he had gotten a call from an apartment manager who reported that the landlord, owner of the apartments where there were 200 apartments, had turned off the electricity because he claimed that he was owed \$236,000 by the City of Houston, a FEMA pass through, and did not see any prospect of getting it any time soon and could not continue to pay the electrical bill, that the problem was obvious, but there were senior citizens who spend last night in the dark, no lights, their food rotting in the refrigerator, that he was not trying to dramatize it but thought it was just a real life situation, that he was not blaming the City, that they were disappointed in the federal response to the kind of assistance that they should be getting and asked what could they do about that sort of thing, and Mayor White asked if it had been solved, and Council Member Brown stated that he did not think so but would find out today. Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Holm, Garcia, Alvarado, Green, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Mayor White stated that there were issues and FEMA was slow, that they had a lot of meddling from the middle layers of FEMA that delayed, that it took time every single day of his and senior management of the City, that having said that it was not FEMA's responsibility but a joint FEMA Taskforce and it's contractors on payments. Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Holm, Garcia, Alvarado, Green, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Council Member Brown stated that as to the issue of Memorial Park and the freeway intrusion, which they heard about from a whole group of citizens yesterday, he was hoping that

in the Quality of Life committee, as they discussed, that they could talk about setting some principles, policies and standards for what the City expected in terms of highway building which was intrusive in their communities, whether it impacted a neighborhood, park or any other kind of amenity that made the City more livable. Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Holm, Garcia, Alvarado, Green, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Council Member Brown stated that he wanted to invite everybody to a party this Friday, that he had a community office at 3911 Main Street, which was the old Isabella Court Building, that he had an exhibit space on Main Street, across the street from New Orleans Poorboy and was having an exhibit, "Houston In Maps", that it was seeing their City in a different way, that he always wanted to have one place where they could go and see 30 or 40 maps, about every topic in the City, that he accumulated about every map that he could get his hands on, that it would be a permanent exhibit, that he hoped they would all come and hoped it would be a fun and informative event. Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Holm, Garcia, Alvarado, Green, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

There being no further business before Council, the City Council adjourned at 12:36 a.m. Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Holm, Garcia, Alvarado, Green, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

DETAILED INFORMATION ON FILE IN THE OFFICE OF THE CITY SECRETARY.

MINUTES READ AND APPROVED

Anna Russell, City Secretary